

18 March 2022

Commissioners
Independent Planning Commission
C/O: nina.harrison@ipcn.nsw.gov.au

Dear Commissioners,

Re: Glendell Continued Operations – SSD 9349 and SSD 5850 Mod 4

Thank you for the opportunity to brief the Independent Planning Commission (IPC) to voice my strong opposition to the Glendell Continued Operations project. As promised in my oral submission I provide the attached documents that evidence the matters I raised in the oral submission.

The timeline in annexure A contains links to each of the relevant documents referenced in my submission being a series of documents obtained by the NSW Upper House from the government under Standing Order 52. Please advise if you are unable to access any of these documents.

I urge you to closely consider the many concerns raised in relation to this project on climate and heritage, particularly those of the Plains Clan of the Wonnarua People, and reject this proposal.

Thank you for your consideration of this matter and if I can be of any further please do not hesitate to contact my office.

Yours sincerely,



David Shoebridge, Greens NSW MP

Timeline:

28 August 2019: Presentation to DPIE and Heritage Council: “The relocation of the buildings is being treated as a salvage project”.

10 December 2019: Email from Bryan Whitlock, Senior Resource Analyst DPIE, noting they received a presentation and field visit to Ravensworth from Glencore and saw the Ravensworth Homestead as “the biggest stumbling block in getting this very important Project approved...”

5 February 2020: The Heritage Council considered an application for State Heritage Listing for the Ravensworth Homestead and some of the surrounding landscape. See page 56 of Budget Estimates transcript 1 March 2022:

FRANK HOWARTH: In brief, the homestead and surrounding landscape will meet the criteria for State heritage significance, but whether we should recommend or not for the Minister was complicated by the proposal for expanding the mine. The council took the view that we should let that planning process unfold before we made a decision, because to recommend it, in effect, when the mining process was being considered would, in reality, be pointless. We made our comments very clear to DPIE, as it was then, and have continued to provide advice in the planning process.

Mr DAVID SHOEBRIDGE: If there had been no coalmine involved, you would have recommended State heritage listing for the homestead and the surrounds?

FRANK HOWARTH: Yes.

11 Feb 2020: Letter from Heritage NSW, as Delegate of the Heritage Council of NSW, stating the EIS has not adequately addressed numerous Standard Secretary’s Environmental Assessment Requirements (SEARS) for the Project.

March 2020: Briefing from Heritage NSW to Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Signed by Pauline McKenzie, ED Heritage NSW and Kate Foy, Deputy Secretary of Community Engagement, noting:

“Ravensworth is an exceptionally intact cultural landscape that tells the story of shared Aboriginal and European heritage in the Hunter Valley, including early conflict, the development of pastoralism and the convict labour system. A proposed State Significant Development aims to extend an existing adjacent open cut coal mining approval into the cultural landscape site.”

Also: “The site is noted to have the strongest documentary evidence of any conflict site across the Hunter Valley.”

September 2020: Heritage Council comments on the Response to Submissions Report (RTS) noting the Environmental Impact Statement (EIS) has not adequately met a number of SEARS.

9 December 2020: Heritage Council revisits the matter, does not change its position, stating there should be a precautionary principle adopted to protect Aboriginal heritage in the circumstances.

May 2021: Request from Glencore (Cassandra McCarthy) to Minister Harwin's office for a meeting re S10 Application: "Given the recent decision on the Mount Panorama go-kart project we are turning our mind to possible implications for future s10 decisions which may impact mining projects in NSW. We understand that the Federal Minister may seek to consult with your office in the process of making her decision, so wanted to make sure we provided you with a brief and answered any questions you may have."

19 July 2021: Meeting request from Glencore (Cassandra McCarthy, Corporate Affairs) re S10 Application, to Andrew Kirk, Chief of Staff to Minister Don Harwin MLC. Meeting agreed with Andrew Kirk and Minister's Heritage Adviser, Tamika Dartnell-Moore.

14 September 2021: Letter from DPIE to Heritage NSW stating: "Heritage NSW accepts that while there is evidence of conflict between Aboriginal people and the European settlers on several properties along the Hunter River, Bowmans Creek and Fal Brook (Glennies Creek) inside and outside the project area, there is no material evidence to show that the current Ravensworth Homestead is specifically the site of such conflicts. It is worth noting that the incident previously referred to as the 'Ravensworth Massacre' is believed to have occurred in early September 1826, noting that the Ravensworth Homestead itself was not built until 1832." - and requesting the opportunity to brief Heritage NSW.

6 October 2021 DPIE presented to the Heritage Council (on DPIE request) - seeking to persuade the Heritage Council to change its position about protecting the estate and Aboriginal culture. Attendees were Hector Abrahams, Steve O'Donoghue – Director Resource Assessments and Clay Preshaw – ED Energy and Resource Assessments. The presentation notes: "Heritage NSW acknowledge that the massacre site is outside the project area and has changed the AHIMS record accordingly." [Emails arranging the meeting here.](#)

From 1 March 2022 estimates, page 57-58:

Mr DAVID SHOEBRIDGE: They were trying to persuade you of the benefits of relocation. They were trying to persuade you that the contested massacre site could not be on the Ravensworth property. They were actively trying to persuade you on these matters, weren't they?

FRANK HOWARTH: The short answer is yes.

Mr DAVID SHOEBRIDGE: Can you recall another occasion when any government agency has ever come—

FRANK HOWARTH: No, I cannot.

Mr DAVID SHOEBRIDGE: —to try to persuade you in that way?

FRANK HOWARTH: Transport for NSW is often trying to persuade us around things, so it is not unusual for a government agency to debate with the council around heritage significance. Mr

DAVID SHOEBRIDGE: But once you had adopted a position—

The CHAIR: This is your last question.

Mr DAVID SHOEBRIDGE: But once you had adopted a position—in this case you had affirmed it twice—had you ever had planning or another government agency come and try to effectively persuade you out of it like this?

FRANK HOWARTH: No.

[As recorded in the minutes from the 6 October 2021 meeting](#), the Heritage Council reaffirmed its position: “Notwithstanding the new information provided to the Heritage Council, the Council maintains its view that the importance of Ravensworth Homestead includes its role in frontier conflict and affirms its advice of 9 December 2020 and 5 February 2020.”

29 October 2021 - email from DPC Media (Julia Carlisle) to Minister Harwin’s office (Duncan McNab and Emma Toole) providing media comments to be attributed to a Heritage NSW spokesperson:

“The Burra Charter advocates a precautionary principle for conservation. The Heritage Council considers Ravensworth Homestead and the wider cultural landscape in which it sits - including Aboriginal cultural heritage - significant for its aesthetic, historic, scientific, and social values.

The Council supports Ravensworth Homestead being retained in its current location with a curtilage around its equally significant, multi-valued landscape.”

Comments are approved by Minister Harwin’s office but says “must go from Heritage Council”.

2 November 2021 - email from DPC Media Advisor to Duncan McNab in Minister Harwin’s office, re media request from Singleton Argus, attaching a background briefing which includes the last comments provided by the Heritage Council to DPIE dated 9 December 2020, explicitly stating:

The Heritage Council considers that the proposed removal of Ravensworth Homestead from its original location as outlined in the EIS and RtS reports will result in the

irreversible loss of its state significance in the form of its significantly intact fabric, archaeology. Aboriginal and colonial landscape setting, and views.

The Heritage Council does not support the relocation of Ravensworth Homestead or the rationale provided in the EIS or RTS as either relocation option would also result in an unacceptable heritage impact as the loss of the intact homestead complex will remove its State significant values and the relocated buildings are unlikely to meet the criteria for state heritage significance. (print pages 1-4 of batch 2.)

3 November 2021 Glencore writes to DPIE stating - “As stated previously, mine plan options that involve leaving the Ravensworth Homestead in situ (eg mining around the homestead to within 100m (or 200/300m) or standing off the homestead) are not economically viable (or reasonable and feasible) and would not be pursued by Glencore.” In this correspondence Glencore rejects all the potential options for a compromise put forward by the Heritage Council.