

Reply to: Nic Clyde
[REDACTED]

28 March 2022

Submission: Glendell Continued Operations Project

Lock the Gate Alliance is a national network of hundreds of groups and thousands of individuals working together against the impacts of inappropriate mining. In the Hunter region, in the last decade, we have witnessed the cumulative impact of ongoing expansion of coal mining and the loss of farmland, bushland and cultural heritage that has resulted, as well as the health impact of cumulative air pollution, social dislocation and inequality.

We object to this project and do not consider it to be in the public interest.

This mine extension would have unacceptable impacts on heritage values because it requires the removal of Ravenworth Homestead and digging up of the remainder of the Ravensworth Estate.

It would additionally make an unacceptable further contribution to global warming, contributing additional greenhouse gas emissions to atmosphere at a time when there is a rapidly closing window to prevent catastrophic levels of global average warming that requires urgent and steep reduction in this pollution across all sectors.

We note that there is a revised Hunter Regional Plan which emphasises greater diversification of employment and “New pathways to promote economic self-determination and greater recognition and respect of traditional custodians, along with greater connection with Country and integrating Aboriginal cultural knowledge and practice into urban design and planning.” The Plan speaks of “deep connection to country” and claims the Department seeks to “empower Aboriginal voices within decision-making.” Just as acting on climate change requires a series of apparently small decisions to be made, so, too, diversifying the Hunter’s employment and empowering Aboriginal voices require implementation in actual decision making to be meaningful. This project should be refused consent.

Heritage

The Department of Planning has selectively presented evidence in this Assessment Report with the result that information that clearly outlines the exceptional significance of the Ravensworth Estate and Homestead together to the heritage of the Hunter Valley and New South Wales is downplayed or not presented at all.

There are two related but distinct elements of the heritage values at stake in this decision: the Ravensworth Homestead and the core lands of the Ravensworth Estate.

The conflation of these issues and the focus on the specific location of one incident, formerly known as the Ravensworth Massacre has, deliberately or not, had the effect of confusing and downplaying the distinct and outstanding significance of both the Estate and the Homestead. One example of this are the remarks from Heritage NSW which are cited in the Assessment Report to the effect that, *“there is no material evidence to show that the current Ravensworth Homestead itself, which was built in 1832, was specifically the site of such conflict.”* This is just one example among many of how

mashing the issues together serves the purpose of diminishing both. The conflict that is documented as taking place on the Ravensworth estate has exceptional significance because that land is still intact. The Homestead itself, which was built after these events, has additional exceptional significance that will be lost if it is not allowed to remain in its place. The location of the Ravensworth massacre does not diminish the importance of either, but it has been used in that way.

Ravensworth Estate lands

The Ravensworth Estate was granted to Dr James Bowman in 1824 and in the subsequent years was the site of significant violent conflict between colonists and Wonnarua people, including, according to the Plains Clan of the Wonnarua People, a massacre of 18 Aboriginal people, previously known as “the Ravensworth massacre” in September 1826. Whether or not the massacre took place on the Estate or somewhere else nearby is disputed and that dispute has distracted from the very clear evidence that the Ravensworth Estate was the site of colonial violence and is, in the words of Heritage NSW “**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.**”¹ Heritage NSW also said, in internal briefings, that “The site is noted to **have the strongest documentary evidence of any conflict site across the Hunter Valley.**”

Throughout this process, Glencore has made the argument that the role of the Ravensworth Estate “is not highly significant or different to what was happening elsewhere in the district” (RTS Part B). This is a view repeated by the Department in its assessment report. On the contrary, the Heritage Council asserted that, “Although incidents of violent conflict between European and Aboriginal peoples are likely to have been more common, only approximately 16 of these incidents in the 1820s are well documented. Six of these incidents are associated with the Ravensworth property.” In other words, more than a third of the documented violent incidents are associated with the Ravensworth Estate. This view is reflected in internal Ministerial briefing prepared by Heritage NSW that is far stronger in its assessment than the formal submissions made by that agency to the assessment process. It is also supported by the independent heritage review commissioned by the Department of Planning and Environment, which found that, “The historical record shows that the Ravensworth Estate was a location of significant conflict between Aboriginal people and Europeans.”

One incident which stands out as particularly significant is the fate of the Wonnarua man Jackey-Jackey who attacked James Bowman’s men on the Ravensworth Estate and was subsequently caught and executed without trial at Wallis Plains by Lieutenant Nathaniel Lowe. These events led to the first ever prosecution of a military officer for a crime against an Aboriginal person in New South Wales in 1827.

The Ravensworth Estate was acknowledged by Glencore’s own consultants as having, “a moderate to high potential for retaining physical evidence of the history of the use of the land by the Wonnarua people.”² The Plains Clan informed the IPC that this land is among the last intact landscapes of their country with which they have profound association and contrary to the impression created by the Department and Glencore, the Plains Clan are not the only Wonnarua people to express this view.

Glencore’s own consultation with the broader Aboriginal community reveals that “**Almost all [Registered Aboriginal Parties] expressed strong connections to the archaeological sites which**

¹ Briefing note, obtained via a call for papers in NSW parliament and provided to the IPC by email.

² Lucas Stapleton Johnston assessment.

occur throughout the Project Area” and “Many of the RAP’s present commented that they considered the former Ravensworth Estate to be significant to Wonnarua people as it was the location of both co-existence and conflict between Wonnarua people and the early settlers of the Hunter Valley” (RTS Part B).

Indeed, this view is also reflected by one of the heritage consultants retained by Glencore, with the report by Lucas Stapleton Johnson also identifying that **“There is moderate to high potential for the archaeological resource within the Ravensworth Estate to provide information that is unavailable from other sources.”**

Our reading of the Assessment Report is that it takes Glencore’s side in this matter, downplays the acknowledged rarity, importance and irreplaceability of the Ravensworth Estate lands as a crucial connection to the violence of the colonial era, and a crucial landscape to allow all of us to understand, make amends for and heal from that violence.

Glencore’s own statement of significance acknowledges that the heritage value of the Ravensworth Estate does not inhere in the homestead alone, as a building, but comprises the entire Ravensworth Estate, the core estate lands and the Homestead Complex, and the Assessment Report refers to these as being part of an archaeological landscape.

The Department highlights the Wonnarua National Aboriginal Corporation contention that “there is nothing more significant about the project area than other areas,” but a statement by one group that a place is not important to them doesn’t detract from the importance put onto it by another. In our view, the Department uses implicitly dismissive language to describe the opposition of the Plains Clan to this project, saying the group “suggests” that Ravensworth is highly significant for its “reported” association with frontier conflict. The Assessment Report repeats Dr Mark Dunn’s finding that colonial violence was “not unusual in the colonial period of NSW” but in reality, this makes the maintenance of places associated with this violence *even more important*: it is an irreplaceable record of a widely shared and representative history. The repeated assertion by the Department and by Glencore that there are other places where violence took place or other estates or homesteads with some of the features of Ravensworth is a distraction from the question before the IPC which is not to adjudicate on other places, but on *this* place. To take the Gondwana World Heritage rainforests as an analogy, does the fact that there are a dozen sites in this heritage area diminish the importance of any one of them? No, it does not. Does the fact that this place is not important to some people diminish their importance? No, it does not.

Ravensworth Homestead

The Department cites the Burra Charter stipulation that “Relocation is generally unacceptable unless this is the sole practical means of its survival” but goes on to argue that because the mine cannot proceed without relocation, its assessment that the mine and relocation should proceed is “in accordance with the Burra Charter.” But the Department admits that there is another practical means for the survival of the homestead: refuse consent for the mine expansion. The homestead is only at risk of loss because of Glencore’s application and the Department has failed in its duty to protect the public interest by siding with Glencore in its insistence that its commercial activity is more important than the retention of this irreplaceable heritage.

which was built by Dr Bowman subsequent to the violence described above. It is a building of state heritage significance with rare architectural features otherwise not present in the Hunter Valley and connected to important events and people in New South Wales’ history.

It is not just one building. It is surrounded by the core lands of the Estate, still intact, which was one of only a few places where, under Edward Bowman, horticultural experimentation first started in Australia.

Assessment material provided to the Department outlines the unique and exceptional value of the Homestead complex, and we do not believe this information has been presented with sufficient weight and objectivity by the Department in the Assessment report. This includes acknowledgement that the place retains tangible evidence of the colonial period including substantial archaeological remains, landscape features and cultural plantings and made more meaningful by the surviving 1832 homestead complex, including its siting and configuration, the rarity of the formally designed farmyard complex of colonial buildings and its architectural traces, and its potential to provide information, by way of further study and archaeological investigation, into colonial building techniques, nineteenth century lifestyles, agricultural and horticultural practices and the working lives of convicts in a non-institutional setting, which Heritage NSW and the Heritage Council both say is “considered very rare.” Removing the homestead and digging up the place where it was built irreparably loses this context, this potential and the homestead’s meaning in the landscape.

The Homestead was identified by the consultants retained by Glencore as distinct among the remaining homesteads of the Hunter Region for its “H” plan form making it “a very rare example of the colonial bungalow house type” – there are only two other extant examples known to have survived in New South Wales and neither of these is in the Hunter. This makes it “extremely rare” and of “exceptional significance.” It is also “one of only a few places where, under Edward Bowman, horticultural experimentation first started in Australia” and some of these cultural plantings remain in place.

It is acknowledged by the Department that removing the Homestead will lessen its heritage value. The Department’s conclusion is that refusal of the mine would be the only way to leave Ravensworth homestead *in situ*, but concludes that in doing so, “all socio-economic benefits associated with the project would be lost.” They conclude that “the benefits of the Project outweigh its costs” without disclosing to the Commission that the independent review of the economic contribution of the project found that it might have no net economic benefit at all.

The conclusion that Ravensworth Homestead can only retain its heritage significance by remaining *in situ* makes accurate estimation of the project benefits crucially important and also requires a weighing up of tangible and intangible, monetary and priceless impacts.

There is a huge range in the estimated net economic contribution of this project, from \$1.1 billion claimed by the proponent, to negative \$94 million. The Department’s assessment report describes CIE’s central case estimate (a \$151m benefit) as the “worst case scenario” economic contribution, when in fact this was a *central case estimate* and the worst case calculated by CIE actually predicted economic loss to New South Wales as a result of this project.

The orders of magnitude in the wildly varied economic contributions possibly accruing to or depleting New South Wales as a result of this project make such economic predictions unreliable as justification for losing the state significant heritage that we know is at stake with this project.

Greenhouse

Building this mine means an additional 135 million tonnes of coal being burnt over the next 21 years, producing 226.9 million tonnes of greenhouse gas emissions, mostly downstream Scope 3 emissions.

The Department again conflates separate issues with the effect of misrepresenting the law when it says that Scope 3 emissions are not New South Wales' responsibility ("to avoid double counting"), **but it is certainly the IPC's legal responsibility to consider the environmental and social impact of the burning of this coal on New South Wales.**

The Department is well aware that these emissions are a relevant environmental impact of this project and it is disgraceful that it continues to fail to meaningfully assess this impact.

The Assessment Report cites Glencore's zero emissions commitment by 2050 and interim emissions reduction goals, which include Scope 3 emissions. Glencore has announced that it will limit coal production to 150 Mtpa across its global operations in order to limit its total GHG emissions and the Department accepts the company's claim that this project fits within that coal production cap commitment "as it is focused on sustaining current coal production." The Assessment Report claims, no doubt based on Glencore's own advice, that the company's Scope 3 target "will be largely met by the depletion of Glencore's coal assets in Colombia and South Africa, with Glencore's Australian coal business continuing to supply the high quality coal required to meet global demand for their remaining life." This is all evasive tripe. The Commission is being asked to extend the remaining life of the Mount Owen mine and add to the volume of coal that will be burnt over the next two decades. These actions fundamentally contradict the company's stated commitment to the Paris climate agreement and New South Wales' commitments and interests.

Indeed, the International Energy Agency's *Net Zero Roadmap* was crystal clear that achieving Net Zero emissions by 2050 left no more room for new coal mines **or extensions of existing mines after 2021.**³

We note that the Assessment Report cites the Coal Innovation Program as one initiative in NSW's own Net Zero Plan of relevance to this project, and that program's primary focus on "limiting fugitive emissions that come from coal mining, through the capture and combustion of these emissions.." However, **no such actions are proposed for this project.** Glencore has clearly stated that pre-draining the coal seam to reduce fugitive emissions "is not considered to be practical or feasible." The Department's proposal that the conditions for this project "limit the emissions to no greater than predicted in the EIS through strict Scope 1 and Scope 2 performance measures, while also ensuring that new technologies and other options to further mitigate Scope 1 and Scope 2 GHG emissions would be regularly reviewed and implemented where feasible" is patently too speculative, small and non-descript an action to make a meaningful contribution to mitigating these emissions. No mitigation actions for fugitive emissions are proposed at all, because Glencore has informed the Department that they are not reasonable or feasible and the Department has accepted this advice at face value. If it is indeed the case that mitigation of fugitive emissions is not feasible at this site, then consent must be refused.

Reducing greenhouse emissions is something that need to be done in small decisions, one at a time, and this is one of those decisions. The Independent Planning Commission is in fact the only legal authority that can take such a decision, since climate change does not form part of the Federal Environment Minister's consideration under the EPBC Act and the EPA is compelled to provide an EPL for any State Significant Development for which consent has been granted.

The people and environments of NSW are already being affected by the effects of global warming. Biodiversity, water, living conditions and livelihoods are at stake. If global average warming exceeds

³ IEA. May 2021. Net Zero by 2050: A roadmap for the global energy sector. <https://www.iea.org/reports/net-zero-by-2050>

1.5 degrees there will be extensive and irreparable harm done to the people and environment of New South Wales and if this happens, it will happen because of many apparently small decisions like the one you are being asked to make here. Every tonne of greenhouse gases approved to enter the atmosphere is causing this damage and so the logic of approval must be reversed: the default should now be to avoid creating any more additional greenhouse gas emissions wherever and however possible unless there is an overriding public interest reason to do so.

Other issues

Air pollution

Extending the operation of the Glendell Mount Owen mine for another twenty years will condemn the surrounding area to ongoing unsustainable concentrations of particulate pollution. When considered on a cumulative basis, Glencore's analysis indicates that cumulative 24-hour PM₁₀ and PM_{2.5} concentrations are likely to exceed the applicable criteria at a large number of privately-owned receivers in the surrounding area (para 300 of the Assessment Report). This pollution has a detrimental impact on human health and this affects anyone who lives in the vicinity, whether they own their homes. The Acquisition Policy does not address this specific issue – the environmental health impact of particulate pollution on people that live and work in the vicinity of this coal mine, but do not own property.

Biodiversity

There's no cumulative assessment of accumulated recent clearing of Central Hunter Valley Eucalypt Forest and Woodland, a nationally critically-endangered community of which extensive clearing has been approved for coal mines in the years since its listing. For this project, a further 154 hectares of woodland will be cleared, of which 122.9 hectares is Central Hunter Valley Eucalypt Forest and Woodland. This bushland is habitat for species listed as endangered at the state and federal level and threatened with regional extinction in the Hunter as a result of ongoing habitat loss.