



**New South Wales Government**  
**Independent Planning Commission**

**TRANSCRIPT OF PROCEEDINGS**

RE: GLENDELL CONTINUED OPERATIONS PROJECT (SSD-9349)  
AND MOUNT OWEN CONTINUED OPERATIONS MOD 4 PROJECT  
(SSD-5850-MOD-4)

**HERITAGE NSW MEETING**

COMMISSION PANEL: DIANNE LEESON (Chair)  
PROFESSOR SNOW BARLOW  
ADRIAN PILTON

OFFICE OF THE IPC: CASEY JOSHUA  
JANE ANDERSON  
STEPHEN BARRY

HERITAGE NSW: SAM KIDMAN  
TIM SMITH  
STEVEN MEREDITH

NSW HERITAGE COUNCIL: FRANK HOWARTH

DPE: CLAY PRESHAW  
STEPHEN O'DONOGHUE  
JOE FITTELL

LOCATION: VIA VIDEO CONFERENCE

DATE: 11.00AM, MONDAY, 28 MARCH 2022

**TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS**

MS LEESON: We'll do some introductions shortly. We'll have an opening statement to do and then we'll get some introductions and things and we'll get ourselves going. Quite an interesting conversation, I think. So, Frank, you're obviously with the Heritage Council. Who else have we got online? We've got Joe. We've certainly got a quorum, put it what way. So on that basis we might get started. So good morning. Before we begin I would like to acknowledge the traditional owners of the land on which we virtually meet today and pay my respects to the Elders past, present and emerging.

10 Welcome to the meeting today between the Independent Planning Commission and representatives of the New South Wales Heritage Council, Heritage New South Wales and Department of Planning and Environment. The purpose of today's meeting is to discuss the Glendell Continued Operations SSD-9349 and Mount Owen Continued Operations Mod 4 SSD-5850 Project which are currently before the Commission for determination. The Glendell Mine forms part of the Mount Owen Complex located in the Hunter Coalfields in the Singleton Local Government Area. The application for the Glendell Continued Operations Project would extend the life of the existing operations by establishing a new mining area to the north of the current Glendell pit to enable the extraction of an additional 135 million tonnes of run-of-mine coal over 21  
20 years at an increased production rate of up to 10 million tonnes per annum.

Coal extracted over the life of the project would continue to be processed at the existing Mount Owen Coal Handling and Preparation Plant facilities before being transported via rail in accordance with the Mount Owen Consent. The project involves an association modification to the Mount Owen Consent to integrate with the proposed expansion. While the project would continue to rely on existing infrastructure including the Mount Owen Coal Handling and Preparation Plant, rail loop and existing Glendell mining fleet it would require the development of a new mine infrastructure area including associated infrastructure and services along with  
30 construction of new heavy and light vehicle access roads. In addition, the project would involve the realignment of a section of Hebden Road, diversion of York Street and relocation of the historical Ravensworth Homestead.

My name is Diane Leeson, I'm the Chair of this Commission Panel and I'm joined by my fellow Commissioners, Professor Snow Barlow and Adrian Pilton. We are also joined by Steve Barry, Casey Joshua and Jane Anderson from the office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of information today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's  
40 website. This meeting is one part of the Commission's consideration of this matter

and will form one of several sources of information upon which the Commission will base its determination.

It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we'll then put up on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. So we will now begin, thank you, and I think it's probably going to be appropriate to start with introductions, although I've announced who's going to be here from the Commission's perspective. I'm clearly Diane Leeson. Snow and Adrian, would you like to just make yourself known to the other stakeholders in the meeting today.

MR PILTON: Hi. Adrian here.

PROF. BARLOW: Snow Barlow.

20 MS LEESON: Thank you. And from the Heritage Council?

MR HOWARTH: Frank Howarth, Chair of the Heritage Council. Formerly the Director of the Australian Museum. Thank you for the opportunity of appearing today and I'll acknowledge that I'm on the land of the Wodiwodi People on the South Coast.

MS LEESON: Thank you, Frank. And others from the Heritage Council?

MR HOWARTH: No others from the council, Chair.

30 MS LEESON: Thank you. No, that's all right. That's fine. And Heritage New South Wales?

MR KIDMAN: Good morning. My name's Sam Kidman, I'm the Executive Director of Heritage New South Wales.

MS LEESON: Nice to meet you.

MR KIDMAN: Good morning. Nice to meet you too.

40 MS LEESON: Any colleagues of yours with us today?

MR KIDMAN: Yes, we've got Steve Meredith and Tim Smith. Steve, do you want to introduce yourself?

MR SMITH: Good morning everyone. My name's Steve Meredith coming to you from Dharawal Wiradjuri country and Albury. Thank you for your time.

MS LEESON: Thank you.

10 MR SMITH: Good morning. I'm Tim Smith, I'm the Director of Operations at Heritage New South Wales and I'm coming from Ku-ring-gai country in the Northern Beaches. I pay my respects to Elders past and present. Thank you.

MS LEESON: Thanks, Tim. And do we have Olgica?

MR HOWARTH: Chair, Olgica is Head of our Secretariat and she's – I'm not entirely sure what she was on the agenda for except she's distributed papers to us. She's not key to the New South Wales or Council views.

20 MS LEESON: No, that's fine. And then we are accompanied today by Clay Preshaw, Stephen O'Donoghue and Joe Fittell from the department who are known to us through meetings and things to this point so we'll take it that you've all been introduced and we'll get on. So look, we really do thank you for the time you've made available to us today. We do have a long agenda and before we get started I'm more than happy to open it up for any remarks from the Heritage Council or Heritage New South Wales as we go. I mean, we've clearly got a number of divergent views between various heritage consultants and experts that we're grappling with along with divergent views on other substantial matters in front of the Commission but we would welcome any opening remarks, otherwise we'll move straight into the agenda.

30 MR HOWARTH: Chair, if I might just very briefly set the scene from the Heritage Council's point of view because we've lived with this question about Ravensworth for some considerable time and certainly more than the three years since I've been in the role and the thing that's become completely apparent to the council, I think, is that what I would call the European heritage significance of Ravensworth Homestead and immediate surrounds is I don't think particularly contested. It's a significant building. What we've learnt a lot more about is the move in the background away from what I would call purely a stones and bones scientific archaeological approach to Aboriginal heritage and a much wider understanding of intangible elements of Aboriginal cultural heritage and particularly the significance of Ravensworth, amongst others in the  
40 Hunter, but particularly Ravensworth as a site of probably significant occupation as the Hunter was before European invasion, settlement, et cetera, but most particularly

as key site for frontier conflict and the council's acutely aware of looking at this not, as I said, just from a documented scientific archaeological point of view but listening to the views of Aboriginal people and a greater understanding of the need to literally walk the country and need to see the place in much wider terms than purely archaeological and I think our view is that the Commission's got a particularly tough gig here to weigh that against that potential loss and it is a total loss, if it happens, against the economic benefits, such as they may be, from the mine itself. So I think the council wishes you the wisdom of Solomon in this process.

10 MS LEESON: Thank you. We do appreciate your wishes in that regard. It certainly is a challenging issue for the Commission and I think some of that – and if the Heritage Council has any views and thoughts on it that would be appreciated – is so many things are actually able to be quantified. Certainly the economics and greenhouse gas emissions and traffic and transport and all sorts of things are easily quantified. The documented European history is quite easily quantified and documented as well and it is this intangible issue that is probably the thing that we will find most challenging in this and in the context of that I'm interested whether Heritage Council has any advice for us or can point us to anything that helps value intangible cultural heritage.

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MR HOWARTH: Sorry, I've just been muted. The way, I think, we've talked about it at the council is to try and draw analogies in similar places and per se intangible cultural heritage is a growing consideration in heritage circles worldwide but in terms of specifically Ravensworth the analogies we're thinking of were places like World War I or several war battle sites 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, notwithstanding at times a lack of what I would call again scientific archaeological evidence and with particular respect to Aboriginal cultural heritage the council has been heavily influenced by move towards

30 the understanding country, as I said, walking with country, connecting with country, using people's recollections of places.

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So specific example of how we've recognised Aboriginal cultural heritage, intangible Aboriginal cultural heritage on the State Heritage Register is the Calga Women's Site that was listed on the SHR only in the last couple of years. It's a site that's characterised, I put it this way, by entirely intangible heritage that can be seen and appreciated within a landscape but there is no, in a western sense, particularly, as I said, stones and bones archaeological aspects to it. The council and subsequently the Minister were very, very influenced by the women's stories of that place and its

40 significance to them prior to European settlement. That's a good example, I think, of how we've changed in our listings around intangible cultural heritage.

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A real example at the moment of this is how we are working with other government agencies and traditional owners and land councils around the Appin Massacre sites in southern Sydney which are not yet listed but I would say undoubtedly will be and the importance of intangible cultural heritage stories, oral histories, recollections of that place will be material and it's an interesting analogy to Ravensworth as well because it's a large landscape, elements that are documented in European histories and storytelling through newspapers and court records but only elements that the area of landscape we're looking at is quite large and certainly is likely to alter key planning elements of that area of south-west Sydney to accommodate what we now know about that intangible heritage and certainly I think either Sam or Steve can probably talk in a bit more detail about that but it's those considerations that are swaying in council's mind or adding weight to intangible cultural heritage considerations.

MS LEESON: And on those sites, Calga and the Appin one, is there generally a united view amongst different Aboriginal groups? I mean, in this instance we appear to have conflicting views among registered Aboriginal parties about the significance of the precinct which frankly doesn't make our task any easier.

MR KIDMAN: I think in relation to – sorry, am I – I'm not on mute, am I? No.

MS LEESON: This is Sam Kidman, for the transcript?

MR KIDMAN: Yes. Sorry, Sam Kidman, Executive Director, Heritage New South Wales. Yes. So in relation to Appin 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. Another example – and we can send you through for more detail on these examples of that's helpful to the IPC.

MS LEESON: 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.

MR KIDMAN: That would certainly be the case, I'm sure. Steve or Tim, you might – has more detail.

MR SMITH: Bundian. Tim Smith here, Heritage New South Wales. The Bundian Way in Kosciuszko is, I guess, an example of that and Steve certainly is leading that work around - - -

MS LEESON: Someone's dog is not happy.

MR SMITH: Reacting strongly. Apologies for that. And 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 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.

MS LEESON: Thank you. Snow or Adrian, have you got any other questions around this sort of issue at the moment or you're happy to move into some of the aspects of the built heritage? Adrian's on mute.

MR PILTON: No, I'm happy just to let the discussion keep going.

PROF. BARLOW: Thank you, Di. Similarly I'm happy. I think Frank's given us a very good exposition on the intangibles and you've raised the other question of contestability so let's continue.

MS LEESON: Then why don't we turn to the built heritage and I would very much like today to be a discussion rather than a slavey sort of adherence to the agenda items as they occur. They were a top of mind set of issues that we're turning to as we go through process so it's not bolden on us to stick to the agenda exactly. So the first one is around the significance of the estate and homestead in the context of colonial and Aboriginal contact and frontier conflict and I think, Frank, you've certainly touched on the fact that the European heritage does not appear to be contested at all and the importance of Bowman and Macarthur and Verge in a history of the site from European sense.

The indigenous contribution is less understood, certainly from my perspective and I think what I'd like to understand from the Heritage Council and Heritage New South Wales is the importance that's placed on this interaction, these first contact areas because we've been given a clear view that it was across the Hunter more broadly and that this is just a representative site, it's nothing special – well, it's special, sorry, that's a terrible expression to use – it's a representative site of things that happened across the Hunter Valley and there are many other homesteads and places where conflict and contact occurred and one of the things that we'd like to understand if the

Heritage Council does have a view on it is the relative importance of this site to others across the Hunter from both that contact and conflict experience and the residual homesteads that might be there. We understand there's 16 or so of them across the Hunter.

MR HOWARTH: Yes, Chair. There's certainly a number of homesteads and over the last few years Heritage New South Wales and the council have been looking at those and seeking to add some of them to the State Heritage Register and, I guess, the thing that council's been persuaded by is there are a number of first amongst equals here, if I  
10 can put it that way that Ravensworth appears to be particularly significant because of its relatively early development and, I guess, has – and because of that drawing on the Aboriginal cultural heritage from a common sense historical point of view is likely to have been a key focus of interaction between Aboriginal people, not all of it conflict, by any means, between Aboriginal people and those first settlers and that, if you're looking at wider history in other parts of the world, Canada, US, New Zealand and Māori is very much the case.

So again I think the council is happy to not play down but not put too much weight on the lack of physical evidence. There's a certain amount that's known about things that  
20 happened in the greater vicinity of Ravensworth but I just think, as I said, common sense would suggest that the homestead itself has been a key focus and already we know there's architectural elements about it, the H plan, in particular, is probably close to unique amongst those homesteads, this wider place on the landscape. It's a highly modified landscape, has had intensive agriculture since Europeans turned up which again may well be a reason why there's less of the hard archaeological evidence there but the council particularly sees it as a key homestead but I think Hector Abrahams in his report has picked that up pretty well to council accepts arguably what's in that plus the other studies that have happened but Sam and the team may have other comments  
30 too.

MR SMITH: Sam, I might just start. Tim Smith, Heritage New South Wales, Chair. Yes, absolutely building on Frank's suggestion there and for the record it's important to note that Heritage New South Wales and the Heritage Council has a long and deep history in the assessment of these places, we were involved in commissioning a Hunter Homestead study in 2012 which was a seminal piece of work, a comparative analysis of up to 200 of these homesteads that exist in the Hunter and Upper Hunter area. It's a phenomenal resource. Out of that study – out of Clive Lucas's subsequent reports and for this particular mine development and Hector has alluded to, we have great respect in those – they are absolute experts in their field and in the Hunter specifically and we  
40 concur with their findings.

The significance of Ravensworth is it is one of those two, three, four, five foundational colonial properties that were established in the Hunter. So, yes, you can say they're a part of a larger sort of process and a population and a settlement and development of agriculture and all of those things but they were the instigating ones that actually led through government policy. So they 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 the convict sites serialists in world heritage convict sites. There are a couple of these homesteads in private ownership in Tasmania, Brickendon and Woolmers as an example, and again they tell another part of that convict assignment process but in New South Wales particularly Ravensworth is the leader, and amongst the leaders of that manifestation of colonial aggressive land acquisition breaking up the country, meaningful dispossession of Aboriginal people and has a causal link to the particular massacre site that's associated in the region because staff on that property were involved in some of those escalated events. So it has an absolute historical lineage to government policy practice and in terms of built environmental heritage, as Frank said, is it one of the earliest but also the most authentic of the Hunter homesteads or any of those early homesteads in New South Wales because it still represents in its 1832 form. So it's extremely rare for those values alone.

MS LEESON: So given that and a comment that we heard earlier about how disturbed the landscape is, can we then go to the suggestion or the proposal to relocate the homestead complex to, well, firstly Broke and then secondly Ravensworth Farm because given the context that you just described of a disturbed landscape – I'm particularly interested, I think, in the Ravensworth Farm location option – and then also around what, should a relocation happen, which element that the Heritage Council, Heritage Branch would consider should be relocated because I don't think that all of the homestead complex, particularly some of the later editions – I may have it wrong but I don't think that they're all necessarily intended to be relocated. So perhaps if we can turn to the Broke option. Sorry, Snow.

PROF. BARLOW: Sorry. Just could I ask sort of a supplementary question to both Frank and Tim. The pivotal influence of Ravensworth as a base but is it also an intangible aspect because of the influence of Bowman on one hand, you know, with the colony and the bringing of the mounted police into the whole operation as being a

key player there but also he used Ravensworth to accumulate quite a large agricultural holding till he went broke but in the Hunter quite much more far-reaching than the 12,000 acres he had at Ravensworth that I think it reached, you know, 30,000 acres momentarily before bankruptcy took over, I think. So do you see that as an intangible of Ravensworth as a base for those activities?

10 MR HOWARTH: Certainly the council does. It's that – I mentioned before the analogy, the crude analogy of battle sites and other places but it's the layering of the stories that's very, very important. So that that story or early agriculture and the failures and successes and, yes, the fact that that particular enterprise went bankrupt, the lack of understanding of climate and place and soil and conditions certainly is a very, very interesting and key story and the risk of losing even more of that story through opencut mining – not just because of the relocation of the homestead but losing the larger story was a significant factor from the council's point of view. Tim may have more to add.

20 MS LEESON: Sorry, Frank, I thought you had finished. We might just need you to be a little bit careful with your internet connection. You were a fraction unstable for a bit there.

MR HOWARTH: Sorry about that.

MS LEESON: No, I think we caught it all.

MR HOWARTH: Blame Mr Tesla's satellite.

30 MR SMITH: Frank, I'm happy just to have a quick – I'm conscious of the time but Tim Smith. Yes, absolutely, we acknowledge that, you know, one of the significant values of the owning of the homestead was that it was a large land allocation and an accumulated one and absolutely the Ravensworth Estate in its fullest extent in the Hunter was absolutely one of the largest, that's why, you know, there's an intangible value in terms of what that homestead meant in terms of that convict assignment process and the dispossession and conflict conversation. So you can't separate that even though, you know, we all agree that the homestead that's currently on the estate now, while it's extremely early, one of the earliest in the state and one of the earliest in the Hunter, it wasn't there at the absolute time of some of that disputes between neighbouring properties but the property was there so that's an intangible value. The built form in its current guise came a little bit later but that is immaterial to the influence that that property had on that wider story so absolutely that is an intangible value of the wider landscape and the role that place played in historic events.

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PROF. BARLOW: Thank you.

MS LEESON: Thank you. So in terms of the proposal for relocation of the homestead we welcome the council's view on the Broke Village option if we can and then we'll talk about perhaps in a bit more detail the Ravensworth Farm option.

MR HOWARTH: So the council agonised over this because we start by being guided by the Burra Charter which in summary basically says relocation of something is the absolute last option if total destruction is the only alternative but it's a risk of, I don't  
10 know, damning with faint praise on this but in terms of the Broke option the analogy that the council would draw is probably one that's familiar to me and, in effect, we're converting Ravensworth from a full story in place to a museum piece. It's taking it from being a part of the landscape with everything around it and the story that can be told there and stood on to an object in another place.

Now, that's not necessarily a total loss by any means and I think the council agonised a bit about, to be quite honest, whether nearby relocation was better or worse than the Broke option and I say pragmatically if coalmining continues probably more people will see that building, such as it can be reconstructed, and there's serious technical  
20 issues which you touch on in the agenda around relocation versus rebuilding and I think a serious Grandfathers Act problem is the result but if it's taken to Broke then the story of – it can be used as an object that can tell the story of the wider Hunter Valley, it can tell the story of the architecture, it can be an anchor point for that but it has to be seen as a museum piece in doing that. It's not a place remaining in context and the sort of crude analogy I would use is if somebody said for whatever reason we wanted to move Old Parliament House out of the site of – the current site is easy and below New Parliament House and we want to move it just a bit around the back of the hill, is that better than moving it to Queanbeyan and using it as a tourist attraction magnet for Canberra if it was in Queanbeyan.

30 There are some advantages to Broke and as I said, I would wager more people will see it and I think Hector Abrahams had some very good words about that. He said this idea that somehow if the homestead was relocated nearby that it's a bit of a fantasy to assume that it will become some key part of the landscape again, the reality being it will be largely surrounded by an extremely disturbed landscape and not necessarily all that easy to access. So in some ways Broke has some advantages over nearby relocation but I'll end on saying, as the Burra Charter says, it's the absolute last resort and the council no way endorses either relocation option.

40 MS LEESON: Thank you.

MR SMITH: Tim Smith. If I can just also add to that. I just reflect on the relocation of heritage buildings out of their context and we talked about concepts of authenticity. It was very much a 1960s construct, it's not, as Frank said, you know, Burra Charter can't practice to embark on that, you know, it is really the last line of defence to safeguard something. It was a practice at the time when there was no heritage legislation, the Heritage Act 1977 didn't exist, Burra Charter as active policy in the eighties didn't exist and it was seen as the only way to safeguard heritage places that had no protections or controls. We have a system and a regime in place now. So that's one element. The other, as Frank alluded to, is around 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. You know, these men that built these homesteads were often ex-military men as was the owner of Ravensworth, an ex-Naval surgeon from seagoing ships, they were very defensive in the way they set their properties up and they had line of sight and communication to each of the properties as a defence and a communication mechanism.

There's a whole lot of intangible values around how these places sit on the hills and in the valleys in the Hunter and to relocate, you know, Heritage New South Wales would see the relocation of that or bits of that place to Broke as a complete separation of that context in the story that it tells. You know, it's putting basically some heritage buildings, if you can recover them, not all of them in a park, in an urban setting, in a town which is completely alien to why it was established in the first place and I think Clive Lucas in his study and particular referenced some of the key values of that place would be fundamentally severed by doing that including the social attachment to the place and the current community, the links, historic links to people, seminal people like the Macarthurs and the sheep industry that doesn't sort of resonate if the place was in Broke. So there's a whole lot of impacts, there's significant values from a dispossession rather than a relocation.

MS LEESON: Thank you. We might come back to the farm option in a minute but just to pick up on something there. I mean, effectively if the Commission was to determine this proposal by refusal or by somehow conditioning option 7 which has a 500-metre standoff from the homestead, how does the Heritage Council – how does the heritage community make sure that all those stories that you've just referenced can be told, that the buildings would be restored. They're clearly in deteriorating condition at the moment, we saw lots of props being put in place to stop some of the outbuildings from collapse. How do you see the future and the guaranteed future of this homestead and its complex and the ability to tell all of that story because I'm not sure where that goes from this point. Should the Commission make a decision that effectively protects it by refusing the project or by a standoff of some 500 metres?

MR SMITH: Chair, I might just start and Frank or Sam or others. Look, I guess I really resonate with the term authenticity. The site is a hundred per cent authentic. In terms of its integrity values it's fabric as it was built, as it was used and all those connected stories a hundred per cent intact where it is now. Yes, we know through Wambo Homestead, another one of these early seminal properties, you know, has been impacted by mining, you know, it's cut off from its landscape, a landscape that's forever altered and we absolutely understand that post-mining land reclamation is never the same, the landscape will never look the same as it presents now. So you already lose some of the opportunities to tell those stories of the farms and the water  
10 courses and the Aboriginal sites and the connections through that activity but Wambo is still there, it is still being monitored, we've issued permits, you know, just last year for maintenance and drainage works for the mine owner there. They chose to keep that site there.

I'd also draw the Commission's point to the previous owners of Ravensworth, actually I can tender them in situ retention outcome and conservation and stabilisation and in the sense of land banking their heritage now that seen a 20 or 25 year horizon and we can't forget Ravensworth has been there for 200 years. So this is a very short interval in terms of impact to the site. If you do sort of land bank and keep them intact there is  
20 – that leaves the opportunity for reuse and adaptation and whether it's museums or semi-commercial or private residence or whatever it might be but by relocation even adjacent to the site you by default impact the integrity of the place and Ravensworth, it's very important to know, it's not just the built assets above the ground, there's archaeological deposits there, there's remnant plantings and gardens, there's silos and wells and systems and, you know, infrastructure around sheep dips and the like. There's a whole lot of material and evidence of the site and its use and its story below ground and any relocation will have an impact to the ability to retain or tell those stories because you cannot recover a hundred per cent of what Ravensworth is now.

30 MS LEESON: Does that then rely on an individual or a company or a community group actually taking responsibility for the long term care and management of the estate until such a future is used and does that fall to the current owner Glencore?

MR HOWARTH: Chair, if I might leap in there. That's something that the council certainly thought about as well. There are some examples of historical rural buildings that are reasonably successfully managed and those owned by the National Trust are probably some of the best and there's one that's near Armidale, Tamworth and I can't recall its name but that's one option is that way.

40 PROF. BARLOW: Frank, I think that's Saumarez at Armidale.

MR HOWARTH: Yes, yes, that's the very one, yes. There are other options around local groups but I think council's also aware that the worse thing that could happen is if Glencore sat on it and it just literally fell to pieces or, indeed, it was sold and somebody else just sat on it. Certainly this brings up the other question of adaptive reuse, if I can put it that way. There are options for retaining the homestead but building other viable commercial things and they might be glamping, they might be more to do with modern agriculture nearby in such a way as it doesn't diminish the significance of the homestead and its landscape, that it preserves the key values.

10 We can't – the council can't, nor generally speaking, can Heritage New South Wales control what might happen but there are ways forward. The Hunter is a wealthy part of Australia and if we think of the 10, 20, 30 years ahead, in fact, if Ravensworth is there it's going to be not entirely surrounded but it's certainly going to be in a network of deep lakes, as one of the documents describes it, a highly modified landscape but that leaves then 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 but we can't control that, I wish we could.

20 MS LEESON: And so if the buildings were to be – the estate, I mean, you've talked about it at large but if it was to be relocated, I interpret from all of that that the Heritage Council would not be in a position to recommend its state heritage listing?

MR HOWARTH: Correct. 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.

30 MS LEESON: I haven't seen any reference to any of the documents that I've read, and there are a lot of documents to read, as you'd appreciate, on this particular proposal, are there any heritage orders in place across or intended heritage orders in place across either the homestead or the estate?

MR HOWARTH: The short answer is no as far as I'm aware. We've – both the time I've been with the council and my predecessors have grappled with questions of either interim heritage orders or the actual listing and in some ways I perhaps wish that earlier on previous council had actually put a listing recommendation to the Minister. The current council is well aware that would put the Minister in a difficult position given that the mine has been the subject of an SSD for some considerable time. The  
40 council, my time and previously, has taken a view that we will be clear about its

significance and 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.

MS LEESON: Thank you. Then notwithstanding that there is still, as I say, the proposal to relocate to the farm site. We've been given access to – and I don't know whether the Heritage Council has seen them – some computer animations, I suppose, about how that could actually occur. Is the Heritage Council examining in any way, or Heritage Branch, sorry to keep having to rephrase that, have you given any consideration to the proposed method of removal and whether you have concerns  
10 around its feasibility or rightful practicabilities?

MR HOWARTH: If I can just comment briefly first then I'll hand to Sam and colleagues but the council was certainly provided information by Glencore about their methodology for moving and which elements of the homestead that it intended to move, in fact. We haven't seen an animation but we've certainly seen some fairly technical diagrams around how the – where cuts would be made and underneath which building. The writing on heritage, I guess, to such as we know it is the construction methods of that homestead make it highly doubtful in the council's mind about whether, notwithstanding the good intentions of Glencore and moving intact that could  
20 actually happen. It's a very fragile group of buildings and I note in the Commission's agenda you raise the question of dismantling versus moving as one. I think there's even more uncertainty about whether you could, practically speaking, dismantle it given that it's arguable that the mortar is harder than the bricks and the entire thing is extremely fragile and the extent if it's – even if it's attempted to be moved intact but certainly if it was dismantled the extent to which it would be a modern reconstruction – I mean, how much of, as I said, the Grandfathers Act problem, how much of the original fabric would actually be there is highly debateable but Sam and colleagues might have added views on that.

30 MR KIDMAN: Just to, I suppose, echo what you're saying, Frank, that the fabric, the original fabric is obviously a very key consideration in listing an item on the State Heritage Register because of its rarity and the its originality and its authenticity. I'm not sort of a structural engineer but I would've thought that it would be a very challenging project to dismantle and move that set of buildings without significantly damaging the original fabric. I mean, you could approximate the values in a new location but certainly Tim, you might have some more experience in this but I would've thought it would be a very challenging exercise to retain the fabric as it exists now in its original landscape setting.

40 MR SMITH: Sam, Tim Smith here. I absolutely concur with that and I guess for the Commission's understanding I mentioned the past practice in the sixties of relocating

buildings, they were timber weatherboard buildings eminently pull them up off stumps and you can move them on a truck. 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 integrity 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. So it would be a watershed test but the risk then is that if you embark on that and it's unsuccessful you then further compromise the values of the place and what it stands for and its integrity and the site has undergone proper skilled  
10 conservation treatment with lime water repairs and the like in situ. You also undo all of that past investment in the property.

Yes, very complex operation, technically on paper feasible, in real life – reality questionable and even a sandstone building for the main house has so many other component elements and rubble and other infill which just absolutely could not be retained. So by default it's not a hundred per cent exercise of lifting and shifting, you will lose integrity and materiality of that 1830s building, whether that's 80 per cent, 50 per cent, it's hard to determine at this stage but it would be a high risk operation and the predictability of the success can only be measured after the fact.,  
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MS LEESON: Thank you for that. I mean, I don't expect you to have had a look at the recommended conditions of consent that the department has prepared and I invite you to do so and provide any comment on that that you like perhaps by the end of the week but would you be – what would your thoughts be, rather, on whether there are any feasible conditions that could be applied to afford the greatest chance of protection for the buildings, the materiality of them as they are, not necessarily – obviously not in the same landscape, do you think there would be any potential conditions that could be applied that would give some greater level of confidence that it's achievable?

30 MR SMITH: Tim Smith. I might just start - - -

MR MEREDITH: Steve Meredith, Heritage Programs, Heritage New South Wales. We're talking about the material but we've lost focus on the cultural landscape. 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  
40 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 and basically of the old fellows I was talking to on the weekend said any Aboriginal cultural heritage on the western  
10 seaboard or eastern seaboard seems to be just – we can just destroy just for a benefit so, yes, their feeling is that we're not being afforded justice and it's borne out in 1827 J Jackey, a local Aboriginal person up there at Ravensworth, in that area was captured after an attack on Bowman's men and he was executed without trial. That was 1827 and we're now 2022 and we still feel that we're not being afforded any justice and our cultural heritage isn't being conserved and protected.

MS LEESON: And thank you, Steven, and we certainly aren't – we're not trying to diminish by any sense of the imagination the cultural importance that people attribute to this. I hope you appreciate or understand that the Commission's role is to weigh up  
20 many, many issues and we have to balance those. It's often the thorny issues that come to the Commission, it's because they are complicated, it's because they are contested and I meant absolutely no disrespect, I just want to try and understand in the context of the Commission taking many, many things into account how some of these would work in practicality. So I apologise if I've caused you any concern or offence.

MR MEREDITH: No offence taken, Madam Chair, and as my colleague Tim mentioned before, we've undertaken these exercises previously and you do not get a hundred per cent success, you might, at best, be around the 80 per cent of the original fabric with a substantial move like that. It's a huge undertaking and I just – I can't  
30 understand what we are trying to achieve by moving a building. When you go – when you learn about country you learn about that, you experience country. You have to be on country to understand and learn the songs and the stories of country. So this is an extremely important area and one that's untouched or – well, you know, we've had the agricultural pursuits there but relatively untouched from a mining or ground disturbance perspective and as Tim mentioned earlier, around the homestead you will have subsurface archaeology. Another question I was asked on the weekend is, if that decision was made by the IPC and it did go ahead what then happens when we do come across burials on the site? How will they be treated?

40 MS LEESON: And I think – sorry to cut you off. I think that department has in its recommended conditions and even Glencore in their submissions have referenced

appropriate protocols. I understand where you're coming from and I understand the issues. You know, my question was around the conditions and as I said, we need to weigh up a whole lot of things. The proposal before us is actually to move the homestead either to Broke or to the farm location. We need to understand all the implications of that, we need to understand the cultural implications of that, we need to understand the implications for the proposal itself and for all of the other issues in between. So it's one of many things that we need to take into account and we will – you know, in our deliberations as a Commission we will give due consideration to all of those and have the difficult task of weighing it all up.

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MR PILTON: Can I just broaden the discussion there?

MS LEESON: Certainly.

MR PILTON: If we condition that the homestead has to stay where it is, I'm just trying to work out what sort of curtilage we need to protect around that home. Do we need to keep all of the land untouched, as it were, or is it just to the horizon or what? Is there any sort of rule of thumb?

20 MR HOWARTH: Adrian, if I can leap in there. This is something the council considered at its most recent discussions about – or more recent provision of advice to the department and, I mean, the short answer is a minimum of 500 metres but the answer is more complex and it reflects many of the elements Steve talked about so eloquently. There are review catchments, there's a range of things. I mean, at the narrowest consideration of that what's the buffer that would be the minimum to avoid structural damage to the homestead through the actual practice of mining and, I mean, engineers will debate about that at some length, I suspect, but council came down to an absolute minimum of 500 metres.

30 Now, council's broad-based, it isn't just what I would call heritage experts and certainly in that consideration one of our council members who's probably more in the business of economics or the economics of business were saying could the IPC consider such a thing that said 500 metres until say 2030 or 35 and then reconsider later on or some larger buffer than that because the reality is, and I don't need to tell you guys this, that the economics of coalmining is one of the most disputed and likely volatile things around at the moment. It's a dying industry. The question is how long the death will take, not whether it's going to happen and the council came to the view that the buffer should be – it's going to be a buffer, you know, at least 500 metres but the economics should be taken into consideration as well.

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MR SMITH: Tim Smith here. If I could just add to that and picking up on Steve's passionate points there and I raised in my earlier submission that the importance of Ravensworth and the story it tells is best told from where it is, not a mile and a half around the corner or 30 miles away and it is very much – it's on country in itself and it had an impact on country and the people that lived on country. That story resonates from the location of where it is but from a curtilage perspective it's also there, as I said, because of the landforms, it was there because it was near a water course, you can get fresh water. So there's connections to landscape.

10 I know Clive Lucas and others make comments around the grand drive and the presentation to the place and we can't forget that the colonial settlers that lived here were affluent, they were go-getters, it was about prestige for them as much as anything and the grandeur of their house over a next neighbour's house and so those aspects of arrival of grand entry, of scale of architecture, of sighting and setting and dominance of the landscape which was telling a whole lot of stories around dominance over each other and over their economic interest, separation from government controls and also dominance over the indigenous first nations communities in the landscape. That all resonates with how the place is presented in the landscape. So if its retained in situ, as Frank said, you need to keep enough of that to be able to showcase those stories and  
20 those values.

MR HOWARTH: If I could just come back to my favourite analogies again. If we were discussing the potential relocation of Hyde Park Barracks, similar age building probably a bit better constructed, I think everyone would run screaming from the room at the thought of that because, you know, it's in the middle of a big city but the economics, I suspect, if you took a crude economic view of the development potential of that land, et cetera, it would out in favour of moving Hyde Park Barracks but we just wouldn't countenance it for many of the reasons that, in a sense, the western reasons Steve alluded to. So I think that's why the council has found it very hard to  
30 give too much serious consideration on an option that it considers not good, if I can put it that way.

MR PILTON: Just to jump in there, Frank. Hyde Park Barracks has obviously had a lot of money spent on it, it's in the middle of a city, it attracts tourists and so on. What could we do to protect the Ravensworth Homestead into the future? I mean, it needs to have a use presumably. What sort of use might that be? You mentioned, you know, maybe a homestead, people to live in or everyone says museums but, I mean, there are so many museums around, you know, it doesn't happen. Are there sort of legal  
40 avenues which can force the owner to maintain the building?

MR HOWARTH: Well, answering the last part of your question first. Yes, there are legal avenues and, in fact, Heritage New South Wales is enforcing certain requirements of an owner on the Kenmore Hospital in Goulburn because it has not been adequately maintained. So certainly there are elements there and if the Heritage Act is rewritten as proposed, one thing that the Parliamentary Committee and the Minister have agreed to is the need to strengthen those provisions and make them more contemporary but for the first part of your question, if I put my – also 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.

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The Lower Hunter is doing that very well. If we start from Newcastle, then to Maitland, then to Morpeth there's a huge growth in cultural tourism in that area and I would wager that Ravensworth could be an added element to that that complements the urbanity of Newcastle City and Maitland and Morpeth and Morpeth as a colonial port it was a colonial port to service places like Ravensworth and with a bit of thinking by governments at all three levels I think 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. And picking up on the

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comments that Snow made earlier about the agricultural significance as well.

There's an incredible story that could be told that could be an effective part of tourism and could give long term potential and certainly the council has taken the view that we can be fairly radical about adaptive reuse provisions providing the key values and not jeopardise in terms of making an economic success of something. The example in Morpeth for Lend Lease and the two homesteads that are being preserved in Morpeth by Land Lease and the contra is building some urban retirement village complex around it in such a way that the original buildings are preserved. The council's very supportive of that and will do everything we can to encourage it but if push comes to shove we do have sticks as well.

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PROF. BARLOW: Could I ask a question both to Frank and Tim, perhaps to Sam. If under the current – as you said, Frank, that there is legislation that protects heritage assets that are owned by people and that is being looked to be strengthened by a rewriting of the Act, how does that work? Does that travel with the land so anyone purchasing that land would have the same responsibilities?

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MR KIDMAN: Yes, sure. Well, that's right. So the listing would be transferred to a new owner and under the Act it is the responsibility of the owner to maintain the item to a minimum standard of repair and maintenance and we have a compliance function in Heritage New South Wales to ensure that's the case. So if Glencore was to retain

ownership of the Ravensworth Estate in its current place in the cultural landscape and if it were listed on the State Heritage Register those obligations would kick in effectively.

PROF. BARLOW: Sam, does that – if it's listed on the State Heritage is that attached to the title?

MR KIDMAN: Yes, it is.

10 PROF. BARLOW: Thank you.

MR SMITH: Tim Smith. I just add to that. As Frank alluded to also there are a suite of management regimes that really mean people have to keep general maintenance and upkeep like you would for any property, not just because it's heritage-listed, you know, keep the rain goods in good repair and the grounds and security and those sort of measures. There's not an expectation under the legislation to do a particular conservation outcome or a return of properties or a particular era, it's more around just basic standards like maintenance and controls and protections just to ensure that the listed values, and they might well be fabric-based or they might be architectural-based or social significance that, you know, are maintained with that ownership and  
20 custodianship because listing on the State Heritage Register embodies and views an owner as a custodian for the people of New South Wales to keep this cultural capital intact and its opportunities for the broader storytelling and social wellbeing and other health benefits that come from heritage retention and management and the wider story of place of connection and, you know, heritage isn't just around bricks and mortar and architectural significance, it adds a whole dimension to tourism, economy, heritage, trade skills and social wellbeing and capital.

MS LEESON: Thank you. And just for clarification, is Wambo State Heritage-  
30 Listed?

MR KIDMAN: Yes, it is.

MS LEESON: It is. And we saw some photos of Wambo that appear to have been taken quite recently and it looked, to be honest, somewhat dilapidated and in almost danger of falling down. If all those protections and things are in place and available, is it a question of enforcement? How does that circumstance arise because it would be unfortunate to have all of that sort of in place but the same thing to occur to Ravensworth and I hope I'm drawing a reasonable parallel between the two.  
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MR SMITH: Tim Smith. Absolutely you are and Wambo is one of those earlier homesteads, 1840s, so it is sort of, of the calibre of Ravensworth but a different configuration and slightly different story. The mine owners of that site, you know, and it's not impacted by opencut mining directly but because the coal reserve goes underneath it at depth, there's long wall mining underneath the property, has caused subsidence and other settling issues, there's active monitoring that we're informed of on a yearly basis but just in 2019 there was a conservation management plan endorsed for that property which is the general practical guiding tool to maintain significance and values and there is a current works program, as I alluded to, we have issued  
10 permits for some of the maintenance works that address some of the findings from the conservation management plan particularly around drainage and stabilisation and maintenance to make sure the value of the place is rectified because it is in the delapidated state and the owners recognise that and it's something that's being monitored by Heritage New South Wales in a compliance sense.

MR HOWARTH: If I can just add to that. The council's view is that, like many aspects of the Act, we're dealing with something created in 1977 and to put it mildly, the enforcement provisions are there but they are difficult. What we're seeking, and I think we have strong support from Parliamentary Committee and the Minister, is an  
20 enforcement regime that is much more like those that apply to the EPA for environmental matters, so penalty infringement notices and a gradual ramping up of provision. So I think that will help and I'd be fairly confident – well, very confident if the new Act goes ahead we will get a much more effective enforcement regime and I think the council would like places like Wambo and others to be better maintained but an enforcement regime is difficult as it currently stands, it's there but it's difficult but that should change.

MS LEESON: Thank you.

30 MR KIDMAN: Would you mind if I just made a point, Commissioner, on that?

MS LEESON: Please.

MR KIDMAN: So you look at – enforcement powers are important. To a significant degree we rely on the owners to do the right thing. I think one of the Commissioners, I'm sorry, I can't remember who it was, made the point earlier about finding a proper, you know, economically-viable use for a property like Ravensworth and I think it's clear that the activation of a site like that, whether it be Wambo or Ravensworth or another homestead, the best way of achieving the best heritage outcome is for it to be  
40 used and for it to be maintained appropriately. It is obviously problematic to, you know, proactively maintain such a significant heritage building when it's not being

used and there's little access to it and it's relatively isolated so I agree with someone's earlier comment that the activation of the site would be the best heritage outcome.

MS LEESON: Thank you.

PROF. BARLOW: Just for a moment can we return to Wambo for a moment because we weren't able to visit the Wambo site on our recent trip to the Hunter Valley. How close is the mining to the Wambo house?

- 10 MR SMITH: Snow, it's Tim Smith here. Look, we'd have to probably give you specifics as a question on notice but long wall mines and there was some extensions to those long wall routes under the property, I think there are another two cuts that were expanded on that mine came very, very close to the property, sort of, you know, fringing the building, if you like, at depth and opencut mining in and around further afield. So it is one of the real issues of mining as a massive impact on cultural landscapes and setting of the places and I think everybody recognises that and the problem the mining it does, it landlocks these places away from public access and community access or community use for a significant period of time, 20, 25 years often which then, as Sam said, makes the maintenance and the monitoring and the
- 20 compliance functions difficult and the onus is very much on the owners to put in that investment to ensure the integrity and intactness of the place is maintained.

So look, the answer there is every one of these Hunter homesteads has different – it's impacted by mining, has a slightly different scenario that's impacting it in terms of proximity, depth, you know, whether it's a vibration issue or a settling issue in terms of subsidence and the like so they all have to be managed sort of individually based on those values and the nature of the fabric as well and the structural integrity of the buildings themselves and outbuildings in their landscape.

- 30 PROF. BARLOW: Thanks. Just without prolonging this, just to complete that. The Wambo Mine then, that is the closest to the homestead, is that an underground mine, is it, rather than an opencut?

MR SMITH: That's right. Yes, sorry, underground long wall mining. It's just a specific of the depth of the coal seam in that particular locale.

PROF. BARLOW: Thank you.

- 40 MS LEESON: Thank you. We seem to have, I think, covered most of the items in the agenda one way or another and I think it's been quite a helpful conversation that

we've had. Adrian and Snow, are there any issues that we've missed that you'd still like to talk through?

MR PILTON: I'd just like to have a short discussion on the very last point under item 3 about Aboriginal cultural heritage. I have heard a claim that this site is the last remaining land of the Wonnarua People and I'm just wondering (a), is that true because the Glencore people seem to say that it was hundreds of square kilometres or something of Wonnarua land and also what the impact – if the existing homestead and, say, a 500-metre curtilage was retained and the rest of the site excavated and then restored, what are the implications with all of that? Maybe Stephen would like to comment on that.

MR MEREDITH: What that does even if it is a reduced area it 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 the 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 and it's been extensively impacted that country up there. I'm *Ngiyampaa* my mother's country is Western New South Wales, *Pilaar-kiyalu*, I belong to Belah Tree country, and we are *Paragun* and *Tharrawiya*, I belong to the Black Duck and Teal Duck clans. So we have a relationship with the environment from the time we were born.

As a matter of fact we have that through our ancestors and if we keep dismantling these cultural landscapes we won't have the opportunity to share those stories. As I say, you've got to do this on *ngurrampaa*, you've got to do it on country. We have – when the old people speak they use terms like *marrathal*, *marrathal-pu*. *Marrathal* is a long time ago, *marrathal-pu* is in the beginning so that's where our stories start from and just for me it's very disappointing that you will pull apart the opportunity to tell story about New South Wales, the formation of New South Wales for a very short term economic gain. I'm sorry but that's the way I feel.

MR PILTON: Yes. Thank you, Steven.

MR HOWARTH: Chair, if I can add to that from a non-Aboriginal perspective. The council absolutely and thoroughly endorses everything Steve has said. That's the things we've been learning and I think one of the things that is a huge anomaly in Australian culture is the reverence we have for battles outside Australia where we build museums, we fund the preservation of battlefields and other places like in Europe; yet, we are sitting here talking about, as Steve so eloquently put it, balancing a short term economic gain and further into an industry its future if highly doubtful against total loss of that. We would not countenance that in other places to do with

European culture and heritage; yet, here we are talking about it with Aboriginal cultural heritage.

This is one of the few remaining places in the Hunter and I think it might've been you, Snow, or Adrian used the words that I saw in the document, a restoration of the landscape. My understanding of those landscapes, they will not be restored in a meaningful sense, they will be, as one of the documents puts it, a network or deep lakes and a relatively artificial landscape. So closing remark from us is the council comes a hundred per cent from the position Steve so well put it.

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MS LEESON: Thank you, Frank, I think that's rounded it out quite well. Adrian or Snow, do you have any other issues to raise today?

MR PILTON: Nothing else from me, thank you.

PROF. BARLOW: Thank you, Di, no. It's been a very useful exchange from everyone online. Thank you. I've enjoyed it very much and it's been very useful in our deliberations.

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MS LEESON: Thanks, Snow. I think that's exactly right, it's been a very helpful conversation and we appreciate everybody's candour and contribution to the discussion today. As I said, we'll be posting transcript of this meeting on our website in the next day or two and we'll continue our deliberations on this exercise but you've certainly given us food for thought and we appreciate your time today. So thanks very much and thank you to the department for sitting in as an observer to today's meeting but I'd like to thank you all for your time. So thanks very much and we'll end the meeting there.

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**RECORDING CONCLUDED**