

Date: 16/10/2023

Attention: The Honourable Paul Scully MP, Minister for Planning
C/- Anthony Ko, Project Contact Planner, DPE
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Ministerial Office

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| Address | The Hon. Paul Scully, MP 52 Martin Place SYDNEY NSW 2000 |
| Postal | The Hon. Paul Scully MP GPO Box 5341 SYDNEY NSW 2001 |
| Phone | (02) 7225 6080 |

Dear Minister,

Re: Submission for Deferral by Richard Campbell to the Proposed Oven Mountain Pumped Hydro Storage Proposal: Application Number SSI-12422997, EPBC ID Number 2020/8850, Assessment Type; Critical State Significant Infrastructure. Exhibited as: (EXH-62250958)

Background: Richard Campbell, a Traditional Owner of the Thunghutti Tribe and former CEO of the Thunghutti Local Aboriginal Land Council, possesses extensive experience in Indigenous advocacy and land rights. He has a deep connection to Thunghutti Country.

Stake in the OMPS Project: Richard's stake is twofold: preserving Thunghutti cultural heritage and ensuring fair development. He seeks a balance between cultural sensitivity and economic opportunity while advocating for ethical engagement by OMPS.

I thank you and appreciate your making available and exhibiting the DA, EIS and accompanying documents, as well as the opportunity to provide a Submission for deferral of the Development Application (DA) concerning OMPS's operations within the region. My review of the application has revealed a series of significant omissions that make it imperative to postpone the assessment process for determination until all key matters are fully addressed.

Introduction:

ACHR – Consultation and Field Investigations:

The Oven Mountain Pumped Hydro (OMPS) project, in its alliance with EMM Consulting, has formulated a partnership that ostensibly combines the project management skills of OMPS with EMM Consulting's proficiencies in environmental and cultural heritage assessments. EMM Consulting is not merely a consultant but plays an integral role in managing the project's approvals process, including crafting a substantial portion of the Environmental Impact Statement (EIS). The firm advertises a commitment to early and transparent engagement with Registered

Aboriginal Parties (RAP), claiming to guide these stakeholders through the complexities of the legislative process.

However, this seemingly symbiotic relationship raises acute questions of conflicts of interest, notably concerning cultural heritage evaluations and stakeholder engagements. The lines between unbiased assessment and vested interest blur further when considering that EMM Consulting employed its own archaeologists to lead and conduct all field surveys for the project. This practice raises concerns about the objectivity and comprehensiveness of these crucial cultural assessments.

Operating in dual capacities—as both assessor and project partner—EMM Consulting finds itself entangled in conflicting roles. On one hand, it has a responsibility to the timely and budget-conscious execution of the OMPS project; on the other, it is purportedly committed to conducting unbiased, thorough, and transparent environmental and cultural impact assessments. Such a conflict becomes glaringly evident in light of the rushed field investigations and the overlooking of key areas in the cultural heritage studies, actions that stand in stark contrast to the firm's public commitment to transparent and meaningful engagement with Aboriginal stakeholders.

This dynamic warrants critical scrutiny, given its potential to compromise the project's ethical and legal adherence to standards set forth in both the Code of Practice for Archaeological Investigation of Objects in New South Wales and the Aboriginal Land Rights Act 1983.

Furthermore, it places the reliability of the cultural heritage assessments under a cloud of suspicion, creating a need for third-party review and a call for deferral of the Development Approval.

EMM Consulting's vested interest in the project, coupled with its decision to utilize its own in-house archaeologists to oversee and execute all field surveys, has raised significant concerns. Myself, as a Traditional Owner and Registered Aboriginal Party (RAP), contend that this approach led to multiple shortcomings during both the field consultation and field investigation detailed below.

Rushed Field Investigations by EMM and OMPS

The hastened investigations led by EMM Consulting and sanctioned by Oven Mountain Pumped Hydro (OMPS) fundamentally undermine the integrity and thoroughness of the study. This manner of operation is in flagrant violation of the standards set by the Code of Practice for Archaeological Investigation of Objects in NSW. It compromises the adequacy of site assessments and significantly undermines the required involvement of the Aboriginal community in interpreting sites and objects.

Skiping Key Areas

EMM and OMPS' decision to omit crucial areas from the field investigations shows a lack of respect for the cultural significance these areas may hold. This action directly contradicts the Code's requirements for a comprehensive and accurate reporting, leaving vital heritage sites potentially unprotected and undocumented.

Meeting Deadlines at the Expense of Culture

The prioritization of deadlines by EMM and OMPS over the cultural and spiritual well-being of Indigenous communities is both an ethical and potentially a legal failing. This kind of rushed process disregards the importance of cultural heritage, which should never be compromised to meet project timelines.

Destruction of Cultural Artifacts

The grading of roadworks by EMM and OMPS, in areas of potential cultural significance, resulted in the destruction of valuable artifacts. This conduct is a blatant violation of the Code, which necessitates a thorough consultation process and a due diligence approach to identifying cultural heritage sites and objects.

Premature Geotechnical Drilling

EMM and OMPS also conducted geotechnical drilling prior to the completion of a full cultural heritage investigation. This action contravenes the guiding principles of both the Code and the First Nations Guidelines under the NSW Electricity Infrastructure Roadmap, which stress the need for "early and inclusive engagement" and a comprehensive "cultural heritage assessment" before commencing such activities.

OMPS- Hiring Practices:

Introduction:

The issue of cultural insensitivity in hiring practices and a concerning disregard for Thunghutti Lore and Customs has raised significant concerns within the context of OMPS. Despite being located within Thunghutti Country, OMPS's hiring practices have demonstrated a stark insensitivity towards the local Thunghutti People and their cultural heritage. Notably, OMPS has appointed two individuals to the role of First Nations Engagement Officers, but neither of them is recognized as Thunghutti People or affiliated with the Thunghutti tribe. This troubling trend has highlighted the urgent need for OMPS to reassess its hiring practices and engage more respectfully with the local Indigenous community.

Findings have shown that OMPS has consistently failed to prioritize Thunghutti representation in its workforce, undermining the cultural significance of the region and the responsibility to uphold Thunghutti Lore and Customs. The hiring of non-Thunghutti individuals in roles meant to engage with the Thunghutti community underscores the need for a more culturally sensitive and inclusive approach in all aspects of OMPS's operations. Such issues are described as follows.

Lack of Indigenous Representation: OMPS has consistently failed to hire Thunghutti People, despite the Project being situated within Thunghutti Country.

Absence of Cultural Sensitivity Training: OMPS has not provided cultural sensitivity training to its staff, resulting in a work environment that does not respect or understand Indigenous cultural norms and values.

Failure to Engage with Local Community: OMPS has not actively engaged with the Thunghutti community or sought input from Traditional Owners in its hiring decisions, demonstrating a disregard for the local Indigenous population.

Limited Recruitment from Local Talent Pool: OMPS consistently hires external candidates for positions that could be filled by local Thunghutti talent, missing an opportunity to support the local community.

Insufficient Outreach Efforts: OMPS has not made adequate efforts to reach out to Thunghutti job seekers or create pathways for them to access job opportunities within the organization.

Unaddressed Discrimination Complaints: OMPS has failed to address complaints of discrimination or cultural insensitivity made by Thunghutti Traditional Owners,

These findings illustrate OMPS's disregard for Thunghutti People in its hiring practices and highlight the need for significant improvements in cultural sensitivity and Indigenous engagement.

Conclusion:

In conclusion, Richard Campbell's comprehensive review of the Oven Mountain Pumped Hydro (OMPS) project has illuminated a range of deeply concerning issues that necessitate immediate attention and action.

Foremost among these concerns is the critical need to submit a formal submission for the deferral of the Development Application (DA) process. This deferral is not a step taken lightly but is born out of the project's significant shortcomings and oversights. These include:

Conflicts of Interest with EMM Consulting: The partnership between OMPS and EMM Consulting has raised grave concerns regarding conflicts of interest, particularly in the realm of cultural heritage assessments. EMM Consulting's dual role as both an assessor and project partner pose a serious challenge to the objectivity and transparency of the assessment process. This inherent conflict becomes even more apparent given the rushed field investigations and the omission of crucial cultural heritage areas, both of which directly contradict the firm's claimed commitment to transparent engagement with Aboriginal stakeholders.

Inadequate Field Investigations: The hurried nature of the field investigations conducted by EMM Consulting and OMPS fundamentally undermines the integrity and comprehensiveness of the study. These rushed practices breach established standards and significantly compromise the adequacy of site assessments. Such actions also undermine the crucial involvement of the Thunghutti Aboriginal community in interpreting sites and objects.

Cultural Heritage Omissions and Destruction: The decision to omit key cultural heritage areas from field investigations, coupled with the destruction of valuable artifacts during roadworks, stands as a stark violation of the Code of Practice for Archaeological Investigation of Objects in New South Wales. These actions disregard the cultural significance of these sites and objects, resulting in potential harm to vital heritage sites.

Cultural Insensitivity in Hiring Practices: OMPS's hiring practices have demonstrated an alarming insensitivity toward Thunghutti Lore and Customs, especially given the project's location within Thunghutti Country. The appointment of non-Thunghutti individuals as First Nations Engagement Officers reflects a failure to prioritize Thunghutti representation in the workforce. Given these substantial concerns, the submission for the deferral of the DA is a crucial step in addressing these issues effectively. This deferral is essential to provide the necessary time and space to conduct a thorough review and rectify these significant shortcomings. It is a responsible and necessary action to ensure that the OMPS project aligns with principles of cultural sensitivity, respect for Indigenous traditions, adherence to legislative standards, and ethical business practices.

In closing, the submission requesting the deferral of the Development Application is driven by an immediate and compelling need to comprehensively address these critical issues. This action is undertaken with a steadfast commitment to preserving the project's integrity and honoring the rich cultural heritage of Thunghutti Country. It represents an essential stride toward ensuring that the OMPS project proceeds in a manner that is ethically robust and firmly aligned with the principles of cultural preservation and meaningful Indigenous engagement.

Furthermore, it is of paramount significance to highlight that the Thunghutti Local Aboriginal Land Council (TLALC) will hold its Annual General Meeting on Wednesday, October 25th, 2023. It is noteworthy that there is a strong likelihood of a new Board of Directors being appointed during this event. In light of this development, there will be a comprehensive review initiated urgently to scrutinize all dealings between the TLALC and OMPS. This review will be undertaken as a matter of top priority, underscoring the commitment to transparency and accountability in the ongoing engagement with OMPS.

Thank you for the opportunity to provide this Submission of Deferral and I look forward to working with all involved to achieve a good result for the community, economy, environment and water with which we live.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Campbell', with a large circular flourish at the start and a trailing line.

Richard Campbell, Traditional Owner/Custodian - Thunghutti Tribe

t: 0488670094

e. rjcampbell101@hotmail.com