

## **Submission: Glendell Mine Modification 5 - Life Extension (DA80/952-Mod-5)**

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Thank you for the opportunity to make this submission.

Lock the Gate Alliance is a network of over 120,000 farmers, Traditional Owners, conservationists and community members from across Australia, affected by and concerned about the impacts of coal and unconventional gas mining. We live and work in the communities affected by these industries and undertake research, advocacy and support to protect the environment, cultural heritage and society from damage. Many of our members are regionally-based, and are also experiencing first-hand the consequences of the global warming that has already occurred.

We object both to this development proposal and to the assessment and determination process proposed.

### **Summary**

1. **No independent assessment of this Project:** Despite a clear promise from NSW Labor that “[n]ew coal mine projects must be subject to an independent approval process”<sup>1</sup>, there will be no independent assessment, no public meeting and no public hearing for this Project. In addition, no merit appeal rights exist to challenge a poor decision on this Project - on its merits - in the NSW Land and Environment Court.
2. **Aboriginal cultural heritage:** Glencore claims that there are no Aboriginal cultural heritage issues with their Project and that there are no RAPS (Registered Aboriginal Parties) who object. A member of the Plains Clans of the Wonnarua People has advised Lock the Gate that they are a RAP, that they were not consulted and that they intend to object to this expansion.

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<sup>1</sup> Written policy platform response to Lock the Gate from NSW Labor, March 2023 ‘Survey Response - Lock The Gate - March 2023’

**3. Ravensworth Homestead and surrounds:** Glencore’s last proposal to expand Glendell was refused consent due to the impact the expansion would have had on cultural heritage values. [On 7 March 2024, NSW Minister for Heritage, Penny Sharpe advised](#) that a formal recommendation from the NSW Heritage Council to list this property on the State Heritage Register is under consideration. Our submission is that the impact of Mod 5 on this property and its heritage values is not mentioned in the Modification report and has not been considered or assessed. Given a listing decision is imminent, our view is that the MOD 5 application should explain what impact - if any - this Project would have on heritage values and on the early stages of management of this property for the conservation of its heritage values if a listing does occur. We say a listing is imminent as the Minister has acknowledged that the Heritage Act requires that a decision should already have been made by the end of last year and is now significantly overdue.

**4. Greenhouse gas emissions:**

- a. The impact of additional GHG emissions from this Project have not been assessed, including against the Climate Change (Net Zero Future) Act 2023 (CCNZF Act). This Project must also be assessed against new ‘guidelines for large emitting projects’ (which the NSW EPA promised would be released late Jan 2024). As at 14 March 2024, Lock the Gate understands that the new date for release of these guidelines is end March 2024.
- b. Glencore claims to be reducing their GHG emissions by 15% by 2026 globally, but make no attempt to explain how an increase of ~75,000 t CO<sub>2</sub>-e in Scope 1 and 2 emissions over a two year period to mid 2026 could be aligned with a 15% reduction.
- c. There is no evidence in Glendell’s latest Annual Review that the mine operator is meeting current minimum requirements to implement all ‘reasonable and feasible’ abatement measures.
- d. The Mod 5 application provides no evidence of any proposals to abate Scope 1 and 2 emissions for the Mod 5 development. This is unacceptable.

## Key issues with this proposal

### No independent assessment, no public hearing and no merits appeal rights

#### Pre-election and in government, NSW Labor promised independent assessment of new coal projects

Prior to the election, NSW Labor promised that “[n]ew coal mine projects must be subject to an independent approval process”.<sup>2</sup> Since the election, this commitment has been reiterated:

- Courtney Houssos ([Budget Estimates, 2 Nov 2023](#)):
  - “We were really clear before the election that we support the independent planning assessment process of resources projects, and that is the important overarching principle.”

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<sup>2</sup> Written policy platform response to Lock the Gate, ‘Survey Response - Lock The Gate - March 2023’

- *“From a whole-of-government approach, we would say that we support an independent assessment of planning of all resources projects. In relation to any expansion of existing coalmines or new coalmines, they would have to go through that independent process ...”*
- Courtney Houssos ([24 May 2023](#)):
  - *“On the issue of coal projects ... I speak on behalf of the Government and as Minister for Natural Resources when I state that we support an independent assessment of resources projects. We do not believe the assessment of those projects should be in the hands of politicians. We took that position to the election and we continue to hold that position in government. We support an independent assessment process that involves environmental assessment and also allows communities to have their say.”*

**Despite clear promises that new coal projects would be assessed independently, this one won't be**

As this Project is being assessed as a ‘modification’, Lock the Gate understands that Paul Scully, Minister for Planning and Public Spaces will be the consent authority for the application. The decision may be determined by NSW DPE staff, however (for example the Deputy Secretary, Development Assessment and Infrastructure), depending on the number of objections received.

**No public hearing for this Project**

Under s2.9 of the EP&A Act, the Minister may request that the NSW Independent Planning Commission hold a Public Hearing into any planning or development related matter – this includes modifications. [NSW DPE's exhibition notice](#) states that: “At the time of publishing this notice, the Minister for Planning and Public Spaces has not directed that a public hearing should be held.”

**Merits appeal rights extinguished**

[NSW DPE's exhibition notice](#) states that: “if the application is approved, **there is no right of a merit appeal** to the NSW Land and Environment Court by an objector.”

In our view, given clear promises pre and post-election that *“[n]ew coal mine projects must be subject to an independent approval process”*, we ask that Minister Scully refer MOD 5 to the Independent Planning Commission for an independent review and determination. This process should include a public meeting to enable the community to comment on the Department of Planning's final assessment report for Mod 5.

**Aboriginal Cultural Heritage**

The Mod 5 report claims:

*The Modification does not involve any additional surface disturbance and therefore will not result in further impacts to Aboriginal items. Nevertheless, the RAPs were*

*notified of the Modification as a matter of courtesy. No community stakeholders have raised concerns or matters for further consideration.*

A member of the Plains Clans of the Wonnarua People has advised Lock the Gate that they are a RAP, that they were not consulted and that they intend to object to this expansion.

Glencore should consult with the Plains Clans of the Wonnarua Peoples to seek their input and advice on the proposed modification.

## Heritage

On [21 November 2023, the Heritage Council of NSW](#) - in accordance with section 33(1)(f) and section 32(2) of the Heritage Act - recommended that Minister Sharpe list the Ravensworth Homestead Complex and Setting on the State Heritage Register. In Budget Estimates on 7 March 2024, the Minister described this as a “complex issue” that she needs more time to work through. That said, Minister Sharpe’s decision on whether to list the property under [S.34 \(1\) of the Act](#) is significantly overdue and must therefore be imminent.

We note that Glencore’s previous ‘Glendell Continued Operations’ project application was refused by the NSW IPC in October 2022 when the IPC found that it would have:

*“significant and irreversible impacts on the historic heritage of the Ravensworth Homestead complex comprised of colonial buildings and historic gardens in an agricultural setting, located within the proposed mine site.”*

Neither the Ravensworth Estate nor its heritage values are mentioned at all in the Modification Report for this mine expansion. The impacts of this Project on heritage have not been assessed, including what impact Mod 5 may have on the management and preservation of a newly-listed State Heritage Register property, should that occur.

The Department of Planning should require Glencore to assess the impact Mod 5 would have on a newly-listed Ravensworth Estate and its heritage values. Further blasting, dust, noise and a delayed closure of this mine does not represent appropriate land-use going forward, given the very clear findings from the Heritage Council and the NSW Independent Planning Commission about the heritage values of Ravensworth and surrounds.

## Mine closure and rehabilitation would be deferred

Given the cultural heritage values of the site and the likely listing of the Ravensworth Homestead complex on the State Heritage Register, we do not believe that a 2-yr delay of mine closure and rehabilitation is in the public interest.

## Greenhouse Gas emissions

### **The impact of additional GHG emissions from this Project have not been assessed**

The Modification Report makes the spectacular and absurd claim that “the Modification will not increase the overall GHG emissions from Glendell”. This is patently false. Mod 5 is projected to generate Scope 1 emissions of **74,901 t CO<sub>2</sub>-e**, Scope 2 emissions of **399 t**

**CO2-e** and Scope 3 emissions of **2,635,136 t CO2-e**. Total GHG emissions attributable to this Project would be **2,710,435 t CO2-e**. The Department of Planning should require Glencore to conduct a full assessment of Scope 1, 2 and 3 GHG emissions attributable to this development, together with plans that Glencore may or may not have in regard to the avoidance, abatement or offsetting of these emissions.

**This Project must be assessed against new ‘guidelines for large emitting projects’ which the NSW EPA promised would be released late Jan 2024**

Glencore made a claim that “there are no specific criteria for which to assess the significance of projected greenhouse gas emissions from individual projects”. Glencore should assess whether approval of this Project would be consistent with the objects and purpose of the NZF Act. They also need to explain what their plan is to avoid, mitigate and offset Scope 1, 2 and 3 emissions and the impact these emissions would have on NSW.

**Climate Change (Net Zero Future) Act 2023 (CCNZF Act)**

We note the second purpose of the CCNZF Act which states that, “The Parliament of New South Wales...recognises— action is urgently required to reduce greenhouse gas emissions and to address the adverse impacts of climate change.” The Modification Report has failed to assess this Project against the NZF Act. We note that this Project would add more than 75,000 t CO2-e to NSW’s emissions inventory between June 2024 and June 2026. We note that the NSW Government’s NZEM team is currently updating NSW’s GHG projections out to 2050. The additional Scope 1 and 2 emissions must be assessed against these projections and against the purpose, objects and guiding principles of the NZF Act.

**Glencore claims to be reducing GHG emissions by 15% by 2026**

Simply put, there is no attempt at all in the Modification Report to explain how an increase of ~75,000 t CO2-e over a two year period to mid 2026 could be aligned with Glencore’s own emissions reduction target of a **15% reduction by 2026**. We acknowledge that this ‘15% reduction by 2026’ commitment is a pledge made by Glencore at a company level. In addition, whilst assessment of this pledge is not something specifically required under NSW planning law for this Project, we submit that such an assessment is pertinent in that it would help establish in the mind of the decision-maker, Glencore’s intent and motivation regarding the abatement of Scope 1 and 2 emissions from this proposed development.

**No evidence in latest Annual Review that Glendell is meeting current minimum requirement to implement all ‘reasonable and feasible’ abatement measures**

A review of the last two Annual Reviews for the Mt Owen / Glendell complex has revealed:

- that basic reporting of Scope 1 emissions ceased in FY22 in regard to a break down by mine and by the two main categories of fugitive and fuel/diesel emissions
- no reporting on nor mention of any effort on site to implement ‘reasonable and feasible’ abatement measures
- no evidence of any continuous improvement of abatement on site
- Scope 2 electricity emissions **increased by about 20%** at the Mt Owen Complex from 36,009 t CO2-e in 2021 to 43,199 t CO2-e in 2022. These emissions are easy to

abate, they simply require a commitment to generate renewable energy on or offsite and/or purchase renewable energy from the grid. We observe: a) that Glencore has failed to make any such commitment in their application; and b) that a former NSW Minister for Planning stated back in July 2022 that “in general” the purchase of 100% renewable energy is considered to be a ‘reasonable and feasible’ abatement measure.<sup>3</sup>

- Total Scope 1 and 2 emissions **increased by about 10%** at the Mt Owen Complex from 278,984 t CO<sub>2</sub>-e in 2021 to 307,935 t CO<sub>2</sub>-e in 2022. Against this backdrop, Glencore need to explain in their Modification 5 RtS how they intend to reverse this trend.

**Case study: GHG reporting has gone backwards at Mt Owen / Glendell, while overall emissions have increased.**

In 2021, whilst very little information was provided regarding abatement of Scope 1 and 2 emissions, at least they were reported in the mine’s Annual Review.

A summary of greenhouse gas emissions for 2020/21 is provided in **Table 28**.

*Table 28: Greenhouse Gas Emissions at MGO during the 2020/21 Financial Year*

Emission Source	Glendell (t CO <sub>2</sub> -e)	Mt Owen (t CO <sub>2</sub> -e)	Mt Owen Complex (t CO <sub>2</sub> -e)
<b>Scope 1 Emissions</b>			
Fossil Fuel	92,660.48	118,504.48	211,164.96
Fugitive emissions	26,440.05	41,379.76	67,819.81
<b>Scope 2 Emissions</b>			
Electricity	1,944.84	34,064.91	36,009.74
<b>Total Emissions</b>	<b>119,100.53</b>	<b>159,884.24</b>	<b>278,984.77</b>

In the 2022 Annual Review, Glencore ceased reporting a breakdown of diesel, fugitive and electricity emissions. They also ceased providing a breakdown of emissions by mine (between Glendell and Mt Owen).

<sup>3</sup> In July 2022, a former NSW Minister for Planning was asked:

*Does the Government consider the purchase of 100 per cent renewable energy to be a ‘reasonable and feasible’ abatement measure for electricity that coal mine operators’ source through the electricity grid?*

In August 2022, this reply was provided:

*In general, yes, however the reliance on renewable energy needs to be considered on a case-by-case basis. This may not be considered reasonable and feasible for all operations and needs to be determined based on the outcomes of a cost-benefit analysis.*

*Table 24: Greenhouse Gas Emissions at MGO during the 2021/22 Financial Year*

Emission Source	MTO Continued Operations EIS (Umwelt, 2015) and MOCO MOD2 (Umwelt, 2018) predictions (t CO2-e/ year)	Glendell EIS (Umwelt, 2007) predictions (tCO2-e/ year)	Total Predictions for MTO/ Glendell Operation (t CO2-e/ year)	Actual MTO / Glendell Operation (t CO2-e/ year)
<b>Scope 1 Emissions</b>	472,000	150,501	622,501	264,736
<b>Scope 2 Emissions</b>	72,000	1,193	73,193	43,199
<b>Total Emissions</b>	544,000	151,694	695,694	307,935

**No evidence of any proposals to abate Scope 1 and 2 emissions for Mod 5**

No abatement of Scope 1 and 2 emissions attributable to Modification 5 has been proposed by Glencore in the Modification Report. This is unacceptable.

**Ravensworth Underground fugitive emissions**

A delay of mine closure at Glendell, is likely to prolong the release of significant fugitive emissions at Ravensworth Underground. Ravensworth Underground Mine was placed on [care and maintenance in September 2014](#). Despite zero coal being produced with zero royalties paid to the NSW Government, this mine continues to emit very significant Scope 1 emissions. Just over the last 6 years - the period for which Safeguard Facility data is readily available - Ravensworth Underground has released ~1 Mt CO2-e in Scope 1 emissions, with no sign of any plan to close this mine and end these emissions.

Approval of this modification is likely to encourage mine management to continue focussing on the pursuit of new and additional reserves of coal to mine, rather than devoting time and resources to solving the significant, legacy GHG issues that currently exist on site.