



Reply to: Georgina Woods
NSW Coordinator
PO Box 290
Newcastle 2300

12 October 2015

The Hon. Greg Hunt
Minister for the Environment
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

By email: Greg.Hunt.MP@aph.gov.au

CC: The Hon. Malcolm Turnbull, Prime Minister, Malcolm.Turnbull.MP@aph.gov.au
The Hon. Barnaby Joyce, Minister for Agriculture, Barnaby.Joyce.MP@aph.gov.au

Dear Minister,

We are writing seeking action on your part to revoke the approval for the Shenhua Watermark Coal mine (EPBC 2011/6201) under section 145 (2A) of the *Environment Protection and Biodiversity Conservation Act 1999*.

We believe there is sufficient evidence for you to take this action on the grounds the action will have a significant impact **that was not identified in assessing the action** on a matter protected under the Act and the approval wouldn't have been granted if the information was available when the approval decision was made.

In addition, the impacts that the action is likely to have **were not accurately identified in information available to the Minister when the approval was given** and the information did not accurately identify those impacts because of negligence or a deliberate act or omission by the person proposing to take the action.

At no point during the assessment of the action, or in your statement of reasons, is the cumulative area of Grassy Whitebox woodland approved for clearing for coal mining in the Hunter Valley and Gunnedah Basin identified or assessed.

In July 2015, one month after the approval of the project under the EPBC Act, Lock the Gate Alliance released a summary report revealing that an estimated 6,256 hectares approved for clearing has been mapped by mining companies as critically endangered Box-Gum Grassy Woodland in the five years prior to your approval of the Watermark mine.

This scale of clearing is equivalent to 3.4% of the total area left of this critically endangered community in NSW.¹ Furthermore, much of the Box-Gum Grassy Woodland to be cleared for the Watermark project appears to be in very good condition - a report by the proponent found that the area to be cleared for the mine contained a very high density of hollows, which are a key indicator of habitat quality². The [National Recovery Plan](#) for this community states that “*all areas of Box-Gum Grassy which meet the minimum condition criteria outlined in Section 3 [of the plan] should be considered critical to the survival of this ecological community.*”

Under the terms of section 145 (2) of the Act, the cumulative clearing impact of this community for coal mining approvals in the five years prior to the approval was not identified or quantified in assessing this action, and the approval would not have been granted if this information had been available to you at the time that the approval was given.

Furthermore, the impact of groundwater draw down on surrounding vegetation was not identified in assessing the action.

Prior to the approval being granted on 4 July, a study has been published in Volume 8, Issue 4 (June 2015) of *Ecohydrology* which demonstrated that open-cut mines that modify groundwater levels can impact ecosystems many kilometres from the mine site. The author of the study specifically referred to the endangered ecological communities in Breeza State Forest as being at risk from drawdown by the mine, contrary to the findings of the Environmental Impact Statement. This could dramatically expand the area of Grassy Whitebox woodland that will be impacted by this mine. It is an impact that was not accurately identified in the information available to the Minister when the approval was given.

Condition 26 of the NSW consent proposes a monitoring program for groundwater dependent ecosystem and condition 5a of the EPBC approval requires mapping and identification of groundwater dependent ecosystems in the drawdown area. But the potential loss of additional areas of endangered ecological communities like White box woodland and Inland Grey box is not mentioned in your statement of reasons and so we conclude it was not identified by you, the Department or the proponent.

The groundwater drawdown impact on this action on the critically endangered Grassy whitebox woodland of Breeza State Forest is a significant impact that was not identified during the assessment of this mine. Clearly, the approval would not have been given if the true likely extent of the death of this community that the mine could cause were known to you.

It appears clear to us that these significant impacts was not identified due to the negligence on the part of the proponent in failing to either cumulatively assess the scale of clearing approved for Grassy whitebox woodland, or keep up to date with scientific knowledge about the impact of groundwater drawdown on woodlands.

Sincerely

Georgina Woods
Lock the Gate Alliance

Rosemary Nankivell
SOS Liverpool Plains

Nicola Chirlian
Upper Mooki Landcare

¹ Assuming 185,868 hectares current extent, as derived on page 1 from TSSC statistics in listing advice.

² The report found that the project area supported 96.8 hollows per hectare, with the greatest abundance in the Box-Gum and Inland Grey Box woodland communities. See [Appendix M: Matters of National Environmental Significance Report](#) (large PDF), *Watermark Coal Project Environmental Impact Statement*. February 2013. page 5.2.