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Environmental Effects Statement Submission
Opposing the

Proposed Expansion of the Fosterville Mine

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The Victorian National Parks Association (VNPA) is an effective and influential nature conservation organisation. We work with local communities, scientists and government to advocate for evidence-based policy to safeguard wildlife, habitat and protected areas. We inspire connections with nature through citizen science, activities, action and education for all Victorians. We've led the creation, oversight and defence of Victoria's natural estate for over 70 years.

VNPA strongly recommends denying or significantly modifying the proposed expansion of the Fosterville goldmine due to its significant environmental impacts. The expansion poses a significant threat to the local ecosystem, particularly within sensitive, formally protected areas adjacent to the mine. VNPA emphasises the need to preserve these natural assets for current and future generations, in line with our national and international commitments to safeguarding Victoria's unique and irreplaceable natural heritage.

The Environmental Effects Statement (EES) does not sufficiently detail or measure the ecological impacts within the Wellsford State Forest and Mount Sugarloaf Nature Conservation Reserve. VNPA's analysis reveals substantial proposed impacts on these public reserves, including the loss of threatened ecological communities, areas of international biodiversity significance, large-old trees, endangered vegetation classes, and critical bird communities.

Across the broader project area, which includes both public and private lands, the proposed ecological impacts are significant. These include the direct and deemed loss of significant areas of large trees, native vegetation, scattered trees, and threatened communities. Specifically, the project threatens the Environment Protection and Biodiversity Conservation (EPBC)-listed Grey Box Grassy Woodland, the Flora and Fauna Guarantee-listed Victorian Temperate Woodland Bird Community, and the internationally significant Bendigo Box-Ironbark Region Key Biodiversity Area. Furthermore, at least nine fauna species listed under the *Flora and Fauna Guarantee Act* are at risk.

One of the key issues is that the EES does not distinguish between public and private land, and therefore, does not adequately address the proposed ecological impacts on areas in the project proximity. VNPA's analysis indicates significant impacts within these public reserves, including the loss of Grey Box Grassy Woodland, which is listed as threatened under the federal *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*, and the loss of areas within the Bendigo Box-Ironbark Region Key Biodiversity Area (KBA), recognied for its international significance. Additionally, the project threatens at least 40 large-old trees and areas of the endangered Low Rises Grassy Woodland Ecological Vegetation Class (EVC). The Victorian Temperate Woodland Bird Community, a listed community under the *Flora and Fauna Guarantee Act*, will also be impacted. These ecological impacts are clearly inconsistent with the legal purposes of both existing and proposed reserves, an issue notably absent from consideration in the EES.

Summary of potential project impacts.

Across the broader project area, which includes both public and private land, the proposed ecological impacts are massive. They include:

- The loss of:
    - 19.435 ha patches of native vegetation.
    - 162 large trees in patches.
    - 68 scattered trees (37 large, 31 small).
- The deemed loss of an additional:
    - 9.571 ha patches of native vegetation.
    - 20 large trees in patches.
    - 27 scattered trees (11 large, 16 small).
- The direct loss of 6.325 ha of EPBC-listed Grey Box Grassy Woodland.
- The deemed loss of an additional 4.267 ha of EPBC-listed Grey Box Grassy Woodland.
- The direct loss of 19.260 ha of the FFG-listed Victorian Temperate Woodland Bird Community.
- The deemed loss of an additional 9.566 ha of the FFG-listed Victorian Temperate Woodland Bird Community.
- The direct loss of 0.047 ha of the FFG-listed Grey Box – Buloke Woodland Community.
- The deemed loss of 0.413 ha of the FFG-listed Grey Box – Buloke Woodland Community.
- The direct removal of 6.655 ha of an internationally significant Key Biodiversity Area (KBA).
- The deemed loss of an additional 5.335 ha of an internationally significant Key Biodiversity Area (KBA).
- Impacts to at least nine FFG-listed fauna species (Agnico Eagle 2024).

1. Impacts on Public Land

AREA:	TOTAL AREA SIZE:	Total area affected by mine expansion	IUCN Category or Proposed use	Potential Net loss %:
Ellesmere Bushland reserve	7.0 Ha	1.38 Ha	IUCN Category IV	-19.71%
Proposed Bendigo Regional Park	Addition of 3152 Ha if legislated	183.41		-5.82%
Mount Sugarloaf Conservation Reserve	720 Ha	83 Ha	IUCN Categorgy 1a: strict nature reserve	-11.53%

Table 1Areas of Public land covered by Mining lease

In June 2022, the Victorian National Parks Association submitted feedback on the Draft EES Scoping Requirements for the Fosterville Sustained Operations Project. In our submission, we highlighted a significant oversight by the proponent: failing to acknowledge the land tenure of the adjacent Nature Conservation Reserves and the Victorian Government's response[1] to the recommendations from the Victorian Environmental Assessment Council's Central West Investigation Final Report (2021). Specifically, the report addressed the Wellsford State Forest, located west of the proposed site, which VEAC recommended as a national park but was later slated by the government to be added to the Bendigo Regional Park.

The expansion of the Fosterville Mine will encroach upon several significant public land areas, including parts of the Wellsford State Forest and the Mount Sugarloaf Nature Conservation Reserve. These areas are valued not only for their ecological significance but also for their cultural, recreational, and social importance. The Wellsford State Forest, for example, is recognised as a key ecological area within the region, serving as a vital link in the network of habitats that connect the Central West. This forest is home to several threatened species and provides essential ecosystem services, including carbon sequestration, water filtration, and soil stabilisation.

Further review of the documents provided by the proponent for the current Fosterville Gold Mine Sustained Operations Project EES reveals ongoing disregard for the land tenures of the surrounding areas and the accepted recommendations for incorporating the Wellsford State Forest into the Bendigo Regional Park. Our initial concerns remain unaddressed.

We are deeply troubled by the proponent's neglect of the surrounding Protected Areas and their legally recognised land tenures, which raises serious concerns about how the integrity of these legally protected areas will be maintained.

Both the Mount Sugarloaf Nature Conservation Reserve and the Ellesmere Bushland Reserve are internationally recognised Protected Areas, listed under the National Reserve System and the Collaborative Australian Protected Areas Database (CAPAD). These designations help Australia fulfill its obligations under Commonwealth and international

[1] https://www.forestsandreserves.vic.gov.au/land-management/managing-crown-land/victorian-environment-assessment-council/victorian-government-response-to-veac-central-west-investigation

agreements, such as the Convention on Biological Diversity, to which Australia has been a signatory since 1993.

These reserves represent Box-Ironbark[2] vegetation, 83% of which has been cleared and now survives only in fragmented areas like these. They are critical for the conservation of rare and endangered plants and animals, many of which are found nowhere else on Earth. The reserves are accessible to the public year-round and are popular with bushwalkers, bird watchers, and nature enthusiasts who value these unique landscapes.

Mount Sugarloaf Nature Conservation Reserve

The Mount Sugarloaf Nature Conservation Reserve (NCR) is a significant 720-hectare protected area east of the proposed development site. It includes valuable ecosystems such as EVC 61 Box Ironbark Forest (Depleted) and EVC 48 Heathy Woodland (Depleted), along with numerous records of State and Commonwealth-listed plant and animal species. The 1996-2001 Box-Ironbark Forests & Woodlands Investigation recognised the area for its "*species-rich vegetation and widely spaced large trees. It serves as an important refuge for several threatened species, notably Buloke, Clover Glycine, and Brush-tailed Phascogale, and features a prominent strike ridge in Ordovician sandstone, which is of regional geological and geomorphological significance. Additionally, it contributes to the representation of several vegetation communities, including Heathy Woodland EVC, and has recorded social, community, and heritage values*"[3].

Although the EES does not summarise or quantify the ecological impacts within the Wellsford SF or Mount Sugarloaf NCR, our analysis indicates significant proposed impacts within these public reserves. These include the loss of areas of the Grey Box Grassy Woodland ecological community, listed as threatened under the federal *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*, and the loss of areas within the Bendigo Box-Ironbark Region Key Biodiversity Area (KBA), recognised for its international significance. The project also threatens at least 40 large-old trees, areas of the endangered Low Rises Grassy Woodland Ecological Vegetation Class (EVC), and impacts the Victorian Temperate Woodland Bird Community, a listed community under the *Flora and Fauna Guarantee Act*. These impacts are clearly inconsistent with the legal purposes of the existing or proposed reserves, an issue that is notably absent from consideration in the EES.

The close proximity of the Southern vent to the boundary of Mount Sugarloaf Conservation Reserve raises significant concerns about the potential impact on habitat corridors due to tree removal and the ongoing noise and disturbance to local wildlife. This location lies within one of the last remaining extensive wooded areas on the mine site. It would be prudent to explore alternative sites that have already experienced significant disturbance or are in extensively cleared areas, rather than compromising this forested area so close to the reserve.

Following assessment by the Environment Conservation Council and its predecessor, the Land Conservation Council, from 1997 to 2000, the government accepted the recommendation to gazette the Mount Sugarloaf Nature Conservation Reserve in 2002. According to Parks Victoria's "Conservation Reserves Management Strategy" (2003):

[2] https://veac.vic.gov.au/investigations-assessments/previous-investigations/investigation/box-ironbark-forests-woodlands-investigation-ecc-2001

[3] https://veac.vic.gov.au/investigations-assessments/previous-investigations/investigation/box-ironbark-forests-woodlands-investigation-ecc-2001pp184

"*Nature Conservation Reserves (NCR) are set aside primarily to conserve species of plants or animals that may be rare or endangered, critical habitat, or other plant associations and animals that have particular conservation significance.*

Nature Conservation Reserves are to be managed primarily for the conservation of biodiversity. They are suitable for passive recreation such as nature study and picnicking, subject to careful management of visitor use. The provision of facilities for visitors and resource use is not usually appropriate[4]*.*"

Section 4 of the *Crown Land (Reserves) Act* provides for the Governor in Council to reserve Crown land temporarily or permanently for a range of public purposes. Conservation Reserves are generally reserved by gazettal under Section 4(1) (l), (m), (n), and (o) for the preservation of areas of ecological significance, the conservation of areas of natural interest or beauty or of scientific, historic, or archaeological interest, carbon sequestration in vegetation and soil, the preservation of species of native plants, and the propagation or management of wildlife or the preservation of wildlife habitat, respectively.

A recent review of public land categories proposed adding Nature Conservation Reserves to the *National Parks Act 1975* and renaming them Nature Reserves. The paper proposes the following purposes for Nature Reserves:

- Protect the natural environment, including significant species, communities, and habitats of native flora and fauna.
- Protect and maintain natural, cultural, or geomorphic features and natural landscapes.
- Provide for low levels of informal recreation associated with the enjoyment of nature and education, where strictly consistent with the purposes above.

Clearing for mining activity is inconsistent with these purposes.

[4] https://epbcpublicportal.awe.gov.au/_entity/sharepointdocumentlocation/d2d04ea4-08df-ed11-a7c7-00224818a3ef/2ab10dab-d681-4911-b881-cc99413f07b6?file=Conservation%20Reserves%20Strategy%202003.pdf

The reserve is listed as Category Ia for Strict Nature Reserve under the IUCN Guidelines for Protected Area Management Categories, as reflected in its tenure under Victoria's *Crown Land (Reserves) Act 1978*. (See Appendix 1)

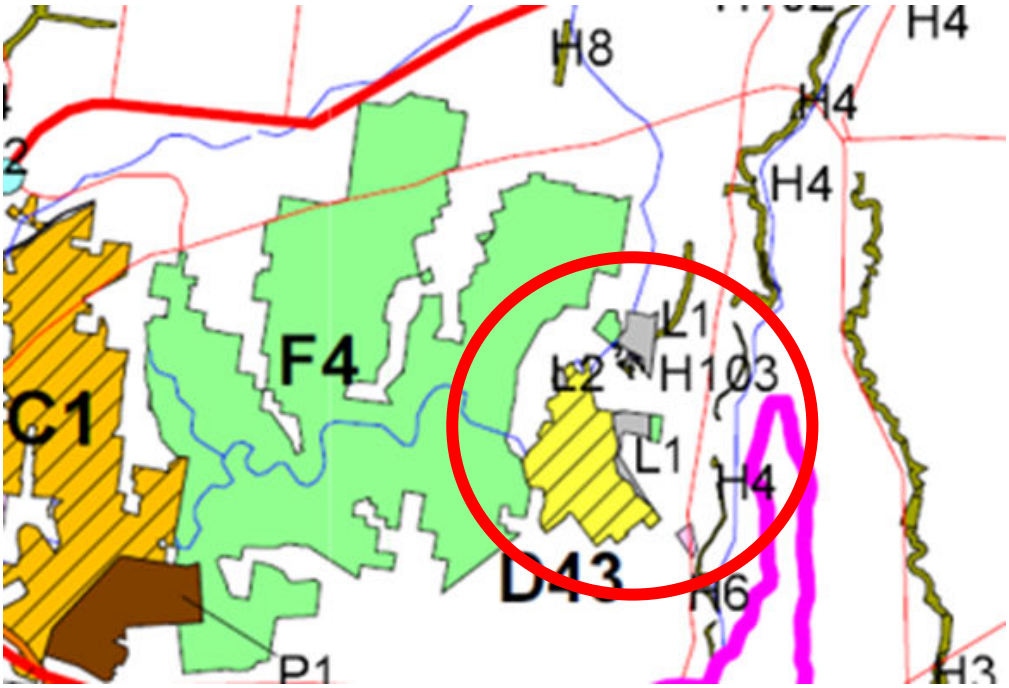

Figure 1Map A-Environment Conservation Council-Box Ironbark Forests and Woodlands Investigation FINAL RECOMMENDATIONS. Mount Sugarloaf Nature Conservation Reserve is shown as D43 and Ellesmere Bushland Reserve as H103

Ellesmere Bushland Reserve

The Ellesmere Bushland Reserve is a small (7 ha) protected area to the north of the proposed development site. It contains ecosystems such as EVC 81 Alluvial Terraces Herb-rich Woodland/Creekline Grassy Woodland Mosaic (Vulnerable) and EVC 61 Box Ironbark Forest (Depleted), along with records of species like the Pink-tailed Worm Lizard (EPBC-Vulnerable), Diamond Firetail (EPBC-Vulnerable), and Swift Parrot (EPBC-Critically Endangered) surrounding the reserve.

The government accepted the recommendation to gazette Ellesmere Bushland Reserve in 2006, following an assessment by the Environment Conservation Council and its predecessor, the Land Conservation Council. The reserve is managed under the general recommendations for natural features reserves, as detailed in the Appendix. It is classified as Category IV for Wildlife Sanctuary under the IUCN Guidelines for Protected Area Management Categories, consistent with its tenure under Victoria's *Crown Land (Reserves) Act 1978*.

In recent review[5] of public land categories and purposes, the purposes of Bushland Reserves are as follows:

[5] Department of Environment, Land, Water and Planning 2021 Realising the value of Victoria's public land Renewing Victoria's public land legislation.

- *Protect and restore the natural environment, including significant species, communities and habitats of native flora and fauna, remnant vegetation and areas with value as habitat linkages.*
- *Protect and maintain natural or cultural features and natural landscapes.*
- *Provide opportunities for informal recreation associated with the enjoyment of nature, or education, where consistent with the purposes above.*
- *Provide for sustainable, controlled, low-intensity use of natural resources where consistent with the purposes above.*

Wellsford State Forest proposed Bendigo Regional Park

The Wellsford Forest, located west of the development site, was assessed as part of the Victorian Environmental Assessment Council (VEAC) Central West Investigation (2019). VEAC recommended adding the Wellsford State Forest to the adjoining Greater Bendigo National Park. However, the government opted instead to incorporate the Wellsford State Forest into the Bendigo Regional Park. As the Wellsford Forest has an accepted VEAC recommendation, it must be managed in line with the Victorian *Environmental Assessment Council Act 2001*[6] until it is officially gazetted as indicated in the Victorian *Environmental Assessment Council Act 2001 - Section 26A: Implementation of recommendations—Investigations A Minister who, or Department or public authority that, is identified in a response prepared under section 25 or in a statement prepared under section 26 as having responsibility for undertaking a proposed action with respect to a recommendation of the Council must ensure that the action is undertaken to implement the recommendation to the extent that it is accepted in that response or statement, as the case may be.*

This means that the Wellsford Forest must be managed as a Regional Park, under the relevant objectives, until the government formally gazettes the area. Regional Parks are governed by the *Crown Lands Reserves Act 1978* and the Crown Land (Reserves) (Metropolitan and Regional Parks) Regulations 2023.

PART 1 – PRELIMINARY

1 Objectives

The objectives of these Regulations are to provide for –

(a) the care, protection and management of metropolitan parks and regional parks; and

(b) the preservation of good order in metropolitan parks and regional parks; and

(c) the setting aside of areas in metropolitan parks and regional parks in which specified activities are permitted, restricted or prohibited;

(d) the safety of persons in metropolitan parks and regional parks; and

(e) the conditions of use of any improvements, services or facilities in metropolitan parks and regional parks; and

(f) the issuing of permits in relation to the use of the whole or any part of a metropolitan park or regional park; and

(g) the imposition of fees for the use of any improvements, services or facilities in metropolitan and regional parks or permits for the use of the whole or any part of a metropolitan park or regional park.

[6] https://content.legislation.vic.gov.au/sites/default/files/76e5c03f-096d-3835-9620-5f371eb66599_01-81aa013%20authorised.pdf

VEAC further clarified the purpose of Regional and Metro Parks in *Metropolitan Melbourne Investigation. FINAL REPORT, Victorian Environmental Assessment Council (VEAC) August 2011* stating that "*Regional parks provide for informal recreation for large numbers of people in natural or semi-natural surroundings. Minor resource use may be permitted in some regional parks. Recreational objectives are generally given priority over nature conservation objectives in regional parks. More intensively developed recreation areas on public land, such as sportsgrounds, are generally categorised as community use areas and are described later in this chapter. Enjoyment of natural or semi-natural surroundings. These large parks are generally outside of, but readily accessible from urban areas or major tourist routes. Regional parks vary in their specific values and characteristics, but typically they provide an environment where residents and visitors can enjoy a broader range of activities such as dog walking than are usually allowed in national, state and wilderness parks*"[7].

In recent review[8] of public land categories and purposes, for Regional parks:

- Provide opportunities for informal recreation for large numbers of people associated with the enjoyment of natural or seminatural surroundings or semi-natural open space.
- Protect and maintain natural or semi-natural features and scenic landscapes.
- Protect the natural environment including biodiversity to the extent consistent with the above.

Clearing large swaths of native vegetation within the Wellsford Forest in the proposed addition to the Bendigo Regional Park does not align with the area's future and accepted purposes of the tenure and undermines the ecological values found within the Wellsford Forest.

The documents provided by the proponent show little to no effort to avoid or minimise impacts on native vegetation and wildlife habitat, As per Clauses 52.16 and Clause 52.17 of planning schemes, and the Guidelines for the Removal, Destruction, or Lopping of Native Vegetation[9].

Both the native vegetation regulations and crown land procedure requires consideration of avoidance and minimisation of native vegetation removal, before considering offsets or counter balancing. The proposed clearing does not appear to be being undertaken using an exception, which would trigger the Crown Land Procedure, [10]for government agencies.

Moreover, the proponent's planned offsetting of native vegetation loss will result in public land being transferred to private ownership, with no public access to the offset site. Consequently, the public will witness the conversion of their last remaining native vegetation and habitats into cleared areas and roads, with the offset relocated to a distant, inaccessible location. Offset sites are not considered part of the formal protected area estate.

The Wellsford State Forest and Mount Sugarloaf Nature Conservation Reserve are at risk of losing large areas of the Grey Box Grassy Woodland[11], a community listed as threatened

[7] Statewide Assessment of Public Land Final Report, Victorian Environmental Assessment Council (VEAC), May 2017

[8] Department of Environment, Land, Water and Planning 2021 Realising the value of Victoria's public land Renewing Victoria's public land legislation.

[9] https://www.environment.vic.gov.au/__data/assets/pdf_file/0021/91146/Guidelines-for-the-removal,-destruction-or-lopping-of-native-vegetation,-2017.pdf

[10] https://www.environment.vic.gov.au/__data/assets/pdf_file/0033/408489/CrownLandProcedure.pdf

[11] https://www.dcceew.gov.au/sites/default/files/documents/grey-box-booklet.pdf

under the federal *Environment Protection and Biodiversity Conservation (EPBC) Act 1999.* Additionally, the area is part of the Bendigo Box-Ironbark Region Key Biodiversity Area[12] (KBA), recognised internationally for its significance.

The loss of at least 40 large-old trees across the project footprint[13], which are vital for maintaining biodiversity, further exacerbates the impact. These trees provide essential habitats for many species, including birds and mammals that depend on tree hollows for nesting and shelter.

The Wellsford State Forest also includes areas of Low Rises Grassy Woodland[14], an endangered Ecological Vegetation Class (EVC). The removal of these areas will not only reduce the already limited habitats available for various species, but also disrupt the ecological processes that sustain these ecosystems. The impact on the Victorian Temperate Woodland Bird Community[15], a listed community under the *Flora and Fauna Guarantee Act*, is of particular concern. The loss of these habitats will significantly affect bird populations that rely on the forest for survival, leading to a decline in species diversity and abundance.

Despite recommendations from the Victorian Environment Assessment Council (VEAC) in 2019 to incorporate the Wellsford State Forest into the Greater Bendigo National Park[16] for long-term protection, this has not been implemented. The proposed mine expansion would undermine the ecological values of the Wellsford State Forest, making it imperative that the area receives the protection it deserves.

Further concerns arise from the proponent's apparent disregard for the accepted recommendations of the Victorian Government Response[17] to the Victorian Environmental Assessment Council's (VEAC) Central West Investigation Final Report (2021), which proposed adding the Wellsford State Forest to the Bendigo Regional Park. The proponent has failed to acknowledge the land tenure of the adjacent Nature Conservation Reserves and the importance of these areas under international agreements such as the Convention on Biological Diversity[18]. The ongoing oversight and neglect in the planning stages raise deep concerns about the potential mismanagement of these areas if the expansion proceeds.

These reserves represent some of the last remaining fragments of Box-Ironbark vegetation, which has been largely cleared (83%) and is critical for the survival of rare and endangered species. The Mount Sugarloaf NCR, with its depleted Box-Ironbark Forest and Heathy Woodland, is particularly rich in species diversity and ecological value. The Ellesmere Bushland Reserve, though smaller, contains valuable habitats and species, including the Pink-tailed Worm Lizard, Diamond Firetail, and Swift Parrot, all of which are vulnerable or critically endangered.

[12] https://connectingcountry.org.au/key-biodiversity-area-kba-health-check-volunteers-required/
[13] https://vnpa.org.au/wp-content/uploads/2024/03/Protecting-our-living-legacies-flip.pdf
[14] https://www.environment.vic.gov.au/__data/assets/pdf_file/0019/48700/Gold_EVCs_combined.pdf
[15] https://www.environment.vic.gov.au/__data/assets/pdf_file/0030/587424/Nom512_Victorian_Temperate_Woodland_Bird_Community_FRR.pdf
[16] https://www.veac.vic.gov.au/component/investigations/document/getDownload?fid=MzYw
[17] https://www.forestsandreserves.vic.gov.au/land-management/managing-crown-land/victorian-environment-assessment-council/victorian-government-response-to-veac-central-west-investigation
[18] https://www.cbd.int/

The Mount Sugarloaf Nature Conservation Reserve, which is part of a key biodiversity area, is also threatened by the proposed expansion. The reserve provides critical habitat for many bird species[19], including the critically endangered Swift Parrot and the Flame Robin.

The proposed mining activities will increase habitat fragmentation within the reserve, creating gaps in the canopy cover that are vital for the survival of these species. The removal of native vegetation and the construction of mining infrastructure will disrupt the natural processes within the reserve, leading to a decline in the quality of the habitat and the species that depend on it. The 2021 State of the Environment Report stated “Habitat loss and degradation is the main threat to species in Australia, with nearly 70% of Australian threatened taxa impacted and 60% of listed threatened species seriously affected.[20]”

Impacts to Vegetation on Public Land

Impact	Details
Native Vegetation Removal	Direct removal of 19.435 ha of native vegetation, including patches of high-quality vegetation and large trees.
Loss of Threatened Ecological Communities	Permanent loss of 6.325 ha of Grey Box Grassy Woodland and 19.260 ha of Victorian Temperate Woodland Bird Community.
Habitat Fragmentation	Removal of native vegetation would increase existing gaps in canopy cover, potentially affecting species with low mobility.
Loss of Hollow-Bearing Trees	Direct removal of 113 hollow-bearing trees, critical for species like Sugar Glider, Barking Owl, and Brush-tailed Phascogale.
Introduction and Spread of Weeds and Pathogens	Potential spread of weeds and soil pathogens like Cinnamon Fungus through movement of vehicles and personnel.
Impacts from Surface Water Flow Changes	Alteration of surface water flow regimes, affecting areas like Wellsford State Forest and Gunyah Creek, leading to potential degradation of riparian vegetation.
Land Degradation by Grazing (Rabbits and Hares)	Existing presence of rabbits may lead to further land degradation, impacting native vegetation and fauna habitat.

The proponent's plans to offset the loss of native vegetation through measures on private land also fail to address the loss of public access to these valuable ecological areas. The public will be left to witness the destruction of these habitats without the assurance that the offset sites, often far removed and inaccessible, will provide equivalent ecological benefits. This transfer of public land value to private hands represents a significant loss to the community and undermines the long-term conservation efforts in the region.

The visual impact of the mine expansion on public land cannot be overstated. The construction of TSFs and other mining infrastructure will alter the landscape, making it less appealing for recreational activities such as hiking, bird watching, and nature study. The Mount Sugarloaf Nature Conservation Reserve, in particular, is a popular destination for these activities, and the visual degradation of the landscape will diminish its value as a

[19] https://ebird.org/hotspot/L2552122/bird-list

[20] https://soe.dcceew.gov.au/overview/environment/biodiversity

public recreational space. The long-term effects on the aesthetic and recreational value of these public lands must be considered a significant negative consequence of the proposed expansion.

The involvement of Traditional Owners in the management of these lands is crucial, and their concerns about the impact of the mine expansion must be given due consideration in the decision-making process.

Fosterville mine is not a public land manager and it is not clear, how the impact and potential loss of habitat in formally protected areas and public land will be accounted for and managed in line with the legislated purposes of reserves It is entirely inconsistent with both the letter of the law and intent of protect areas. We remained concerned that future expansion and or encroachment may occur into these areas, as the EES is largely silent on the future administrative arrangements.

2. Impacts on Private Land

Impacts to Vegetation on Private Land

Impact	Details
Native Vegetation Removal	Removal of scattered trees, both large and small, on private lands used for the project.
Loss of Coarse Woody Debris	Clearing associated with construction may lead to loss of coarse woody debris, important for ecosystem functioning.
Surface Water and Groundwater Impacts	Potential alteration of groundwater levels due to mine dewatering, affecting groundwater-dependent ecosystems on private land.
Residual Impacts	Offsets required for loss of native vegetation and threatened ecological communities, with the potential for residual impacts even after mitigation efforts.

Across the broader project area, which includes both public and private land, the proposed ecological impacts are massive. They include:

- The loss of:
    - 19.435 ha patches of native vegetation.
    - 162 large trees in patches.
    - 68 scattered trees (37 large, 31 small).
- The deemed loss of an additional:
    - 9.571 ha patches of native vegetation.
    - 20 large trees in patches.
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- The direct loss of 6.325 ha of EPBC-listed Grey Box Grassy Woodland.
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- The deemed loss of an additional 5.335 ha of an internationally significant Key Biodiversity Area (KBA).
- Impacts to at least nine FFG-listed fauna species (Agnico Eagle 2024).

The impacts on private land primarily involve the removal of scattered native trees, which reduces the overall vegetation cover and habitat availability. The clearing activities associated with the project may lead to the loss of coarse woody debris, an essential component for maintaining ecological processes. Additionally, the alteration of groundwater levels due to mine dewatering poses a risk to groundwater-dependent ecosystems, potentially affecting the health and sustainability of vegetation on private land. Despite proposed mitigation measures, including offsets, there remains a possibility of residual impacts on native vegetation and threatened ecological communities. These changes could contribute to long-term degradation of the ecological values on private properties involved in the project.

Another critical concern is the potential contamination of local water bodies, including Axe Creek, which runs in close proximity to the mine site. Mining activities, particularly those involving the extraction and processing of ore, have a high potential for introducing pollutants into water systems. These pollutants can include heavy metals, chemicals used in the extraction process, and fine particulate matter that can be washed into waterways during rain events. The contamination of water bodies could have far-reaching effects, not only on agricultural land but also on the broader ecosystem. Contaminated water can lead to the bioaccumulation of toxic substances in crops and livestock, posing risks to food safety and human health. Furthermore, the introduction of pollutants into waterways can disrupt aquatic ecosystems, harming fish and other aquatic species that are crucial for maintaining the ecological balance.

Additionally, there are significant concerns about potential impacts to groundwater quality and the pollution of nearby water bodies such as the Campaspe River[21] and Axe Creek, both of which support threatened species like the Platypus, Freshwater Catfish, and Murray River Turtle. Although the project proposes various mitigation measures, there remains a high level of risk that long-term impacts could be significant. The tailings storage facilities (TSFs) and brine pond, if not properly managed, could pose critical risks to local ecosystems and groundwater, potentially leading to catastrophic consequences. With the increase in sudden and powerful climate exacerbated weather events these risks cannot be discounted.

The cumulative effects on the landscape from the expansion also warrant serious consideration. The visual impact, noise, and air quality changes associated with the expansion are likely to detract from the rural character of the area. This could lead to a decrease in property values as the area becomes less desirable for residential and agricultural purposes. The visual degradation of the landscape, particularly from the construction of tailings storage facilities (TSFs) and other mining infrastructure, will alter the natural beauty of the region, which is valued by both residents and visitors. Noise pollution from increased heavy machinery operation and the transport of materials will further disrupt the peace and tranquillity of the area, affecting the quality of life for local residents. The EES documentation appears to assess noise impacts on human populations but fails to explore long term impacts on wildlife.

3. Impacts on Threatened Species

The Fosterville Mine expansion poses a significant threat to several species listed under the EPBC Act and the FFG Act. The area affected by the expansion includes habitats that support critically endangered species such as the Swift Parrot (*Lathamus discolor*) and the Regent Honeyeater (*Anthochaera phrygia*). These species are already facing significant challenges due to habitat loss, climate change, and other anthropogenic pressures. The proposed expansion of the mine will exacerbate these challenges by further reducing the availability of suitable habitats and encroachment from industrial noise and disturbance.

Although the consultants (AECOM) assigned a high likelihood of occurrence within the project area for the EPBC-listed McIvor Spider-orchid (*Caladenia audasii*), the targeted surveys were completely inadequate for detecting this species. All targeted surveys were undertaken between late October and December (AECOM 2024), outside the typical flowering season for this species. Our analysis of all Victorian Biodiversity Atlas (VBA) records for this taxon showed that all historical observations have mostly been made in September, extending into early October. The National Guidelines for surveying for threatened orchid species states that a least three surveys during the peak flowering period area required (DoE 2013), which was not undertaken by AECOM. It is therefore possible that the McIvor Spider-orchid occurs within the study area but was over-looked due to the poorly timed survey.

The Swift Parrot, which is critically endangered and one of Australia's most threatened birds, relies on the forest and woodland habitats within the Wellsford State Forest and surrounding areas for foraging and shelter. The loss of Grey Box Grassy Woodland, an endangered ecological community, is of particular concern. This vegetation type provides critical habitat

[21] https://www.water.vic.gov.au/waterways/flagship-waterways/caring-for-the-campaspe-river

for a range of fauna, including the Pink-tailed Worm-lizard[22] and the Sturdy Leek Orchid[23], both of which are vulnerable to habitat loss and degradation.

The removal of native vegetation and the disruption of habitat connectivity will exacerbate the decline of these species, many of which are already under significant pressure from habitat fragmentation and environmental changes. In reference to Grey Box Grassy Woodland - a Goulburn Broken CMA Fact sheet[24] states “Because of the small and highly fragmented nature of many of the remnant patches, the contribution these sites make collectively as a whole needs to be considered in any decision making. Ideally enlarging and improving the habitat first and then connecting these remnants, via revegetation and enhancement of existing vegetation, will lessen the effects of fragmentation and isolation.”

The EPBC-listed Grey Box Grassy Woodland Community, which once extended across large areas of Victoria, South Australia, and New South Wales, has already been significantly reduced due to agricultural conversion. The remaining areas of this community require urgent protection to prevent further loss. Additionally, the inadequate timing of surveys for the McIvor Spider-orchid[25] raises concerns about the potential presence of this critically endangered species within the project area. The surveys conducted did not align with the typical flowering season for the orchid, increasing the likelihood that its presence was overlooked.

Many of these threatened species that do have Conservation advice or management plans list development and disturbance as threats. While noise impacts on human populations have been discussed impacts on wildlife from industrial noise appear to not be given due consideration.

The proposed expansion will also impact other threatened fauna, including the Lace Monitor, Bearded Dragon, and various woodland birds such as the Hooded Robin and Crested Bellbird. These species rely on the mosaic of habitats within the Wellsford State Forest and Mount Sugarloaf Nature Conservation Reserve for shelter, food, and breeding sites. The loss of large old trees and the reduction in canopy cover will significantly impact these species, particularly those with low mobility or specific habitat requirements. The removal of these trees, which provide important nesting and roosting sites, will further isolate populations and increase their vulnerability to predation, competition, and other threats.

The proposed mitigation measures, including the creation of artificial hollows to compensate for the loss of natural hollow-bearing trees, are inadequate to address the complex habitat needs of these species. While artificial hollows may provide some temporary relief, they cannot replicate the ecological functions of natural hollows, which take decades or even centuries to form. The reliance on such measures suggests a lack of understanding of the ecological requirements of these species and raises concerns about the long-term viability of these populations if the expansion proceeds. Furthermore, the effectiveness of these mitigation measures is highly uncertain, particularly in the face of other environmental pressures such as climate change and invasive species.

In addition to the direct impacts on threatened species, the expansion also poses a risk to the broader ecological processes that support biodiversity in the region. The fragmentation

[22] https://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=1665
[23] https://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=10268
[24] https://www.gbcma.vic.gov.au/threatenedcommunities/Fact_Sheets/Grey%20Box%20Buloke%20Factsheet.pdf
[25] https://www.environment.gov.au/biodiversity/threatened/species/pubs/11727-conservation-advice-16122016.pdf

of habitats and the disruption of ecological corridors will reduce the ability of species to move between habitats, find mates, and access resources. This will lead to a decline in genetic diversity, which is essential for the resilience of species populations in the face of environmental change. The cumulative impacts of habitat loss, fragmentation, and degradation must be considered a significant threat to the survival of these species and the overall biodiversity of the region.

4. Impacts on the Broader Environment

There are concerns that the proposed expansion of the Fosterville mine will significantly hinder local species' access to waterways, as the development would effectively obstruct a 14-kilometer stretch along the Campaspe River.

The environmental impacts of the proposed Fosterville Mine expansion are extensive and far-reaching, with potential consequences for water quality, soil health, and overall ecosystem integrity. One of the most pressing concerns is the impact on surface and groundwater systems. The EES identifies the potential for adverse impacts on water quality and availability, particularly in relation to the Campaspe River and Axe Creek. These water systems are already under significant stress due to historical land use changes, over-extraction, and climate change. The expansion of the mine, which will involve increased water extraction and the potential release of contaminants into the environment, could exacerbate these stresses, leading to further degradation of water quality and ecosystem health.

The Campaspe River, which is an important waterway in the region, has already suffered from flow regulation and over-extraction, leading to poor health and biodiversity loss. The river supports a variety of native flora and fauna, including vulnerable and endangered Ecological Vegetation Classes (EVCs) such as Floodplain Riparian Woodland and Plains Grassland[26]. The introduction of pollutants from mining activities, including heavy metals and other contaminants, could further harm these ecosystems, leading to a decline in water quality and the loss of aquatic habitats. The spread of invasive species, facilitated by changes in water flow and quality, could further exacerbate the decline in biodiversity and ecosystem function.

In addition to the impacts on surface water, the expansion also raises concerns about groundwater management and the potential impacts on groundwater-dependent ecosystems. The EES acknowledges the importance of protecting these ecosystems, but the proposed mitigation strategies rely heavily on ongoing monitoring without clear actionable plans for mitigation should negative impacts be observed. This approach is inadequate to protect these ecosystems, which are highly sensitive to changes in groundwater levels and quality. The lack of detailed contingency planning and enforceable actions raises serious concerns about the ability of the proposed mitigation measures to effectively protect groundwater-dependent ecosystems from the impacts of the mine expansion.

The degradation of soil health is another significant concern. The removal of vegetation, soil compaction from heavy machinery, and the potential contamination from mining activities all pose risks to soil quality and function. Healthy soils are essential for maintaining ecosystem services, including water filtration, carbon storage, and nutrient cycling. The degradation of

[26] https://www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks

soil health will negatively affect the broader ecosystem, leading to biodiversity decline and increased vulnerability to environmental change.

Furthermore, there are significant risks associated with the long-term management of the mine's infrastructure, including the Tailings Storage Facilities (TSFs) and the brine pond. If not properly managed, these structures could fail, leading to catastrophic impacts on local ecosystems and groundwater. The potential for such failures, although considered rare, presents a high level of risk, with consequences that could be critical or even major. As climate change intensifies and weather patterns become more unpredictable, the likelihood of extreme weather events increases, raising the risk of unforeseen events that have not been adequately accounted for. This underscores the need for stringent mitigation and maintenance measures to prevent long-term environmental damage.

The expansion also poses a threat to the spread of invasive species and pathogens, which could be facilitated by increased vehicle and machinery movement within the project area. The EES notes the risk of introducing Cinnamon Fungus[27] (Phytophthora cinnamomi), a pathogen that poses a significant threat to native vegetation, into the Wellsford State Forest. The spread of such pathogens could lead to further loss of biodiversity and ecosystem function, compounding the environmental impacts of the mine expansion. The lack of detailed biosecurity measures and the reliance on reactive management strategies raise concerns about the ability to effectively control the spread of invasive species and pathogens in the project area.

The cumulative environmental effects of the proposed expansion must also be considered. The project is likely to contribute to cumulative environmental impacts when considered alongside other mining activities and developments in the region. These cumulative impacts include the potential for long-term changes in land use values, the degradation of environmental health, and the loss of biodiversity. The EES acknowledges these cumulative impacts but does not provide a comprehensive plan for managing them. The lack of detailed planning and enforceable actions raises concerns about the ability to effectively mitigate the cumulative environmental impacts of the mine expansion.

[27] https://www.dcceew.gov.au/environment/invasive-species/diseases-fungi-and-parasites/phytophthora-cinnamomi-disease

5. Conclusion

The Fosterville Gold Mine's Economic Impact Assessment, part of the Environmental Effects Statement (EES), reveals that while the mine is predicted to significantly boosts the local and Victorian economies, it also imposes substantial environmental costs. The assessment monetises the impact of greenhouse gas emissions, estimating them to generate economic costs of approximately $182.9 million over the next decade, with the majority stemming from electricity usage and diesel fuel consumption but fails to adequately examine the economic impacts that may arrived from a catastrophic failure and associated cleanup and rehabilitation costs. Noise pollution, though less costly, also contributes to the environmental burden. While the mine supports regional economic growth and employment, these benefits are counterbalanced by environmental externalities that must be considered when evaluating the mine's overall impact on the community and ecosystem.

The project threatens to undermine the ecological integrity of key public land areas, disrupt the habitats of threatened species, and compromise the environmental health of the region. The cumulative impacts of habitat loss, water contamination, and the spread of invasive species are likely to have long-lasting effects on the local environment and community.

Given the significance of the Wellsford State Forest and Mount Sugarloaf Nature Conservation Reserve as bio links and conservation corridors, the expansion of the mine into these areas must be reconsidered. These areas are critical for the survival of several threatened species and for maintaining the region's biodiversity. The potential for irreversible damage to these areas, which are vital for the ecological integrity of the region, cannot be justified.

The Wellsford State Forest contains highly significant ecological values and requires proper long-term protection, not further clearing for mining. The preservation of these ecosystems is essential not only for the survival of the species that inhabit them but also for the well-being of the local communities who rely on these landscapes for their livelihoods, recreation, and cultural heritage.

In conclusion, it is concerning that a private company seeks to compensate for the degradation of public land by proposing offsets on private land. This approach raises serious questions about transparency and accountability, as there seems to be no clear or straightforward pathway for the clearing of habitat. Moreover, this strategy appears inconsistent with the legal framework governing protected areas, undermining the very principles designed to safeguard our environment. The proposal not only risks setting a dangerous precedent but also challenges the integrity of our conservation efforts.

The Fosterville Mine expansion, as currently proposed, should be rejected or significantly modified due to its significant environmental impacts.

Appendix 1:

Table 2.1: Definitions for IUCN protected area categories

CAT	General objectives	Selection	Example types
Ia	Preserve species, habitats and ecosystems for scientific purposes	Relatively free of direct human influence and capable of remaining so	Nature Reserve
Ib	Preserve natural attributes for future generations	High natural quality, significant features and opportunity for solitude	Wilderness Area
II	Protect natural/scenic areas of national significance for research, education and recreation	Representative example large enough to contain entire relatively unmodified ecosystem(s)	National Park
III	Preserve specific outstanding natural features	Contains feature(s) of outstanding significance; Large enough to protect integrity of feature	Natural Monument
IV	Conserve habitat of significant species (e.g. rare) through active management	Habitat important to the species survival (e.g. breeding areas)	Wildlife Sanctuary
V	Maintain harmonious interaction of nature and culture; Provide for recreation/tourism	High scenic quality and diversity, unique or traditional land use patterns	Protected Landscape/Seascape
VI	Sustainable use of natural resources through sound management, while maintaining biodiversity	Two-thirds of area must be in natural condition; Large enough to absorb sustainable use	e.g. GBRMP