

Submission to the Standing Committee on Environment and Public Affairs

Petition No. 031: Helena and Aurora Range

Tabled by Hon. Robin Chapple in the Legislative Council on 31 October 2017

Principal petitioner Mark Henryon

We request the Legislative Council's support for Helena and Aurora Range (Bungalbin) to be gazetted as a Class-A National Park. We ask that the Council conveys this support to the government.

The Environmental Protection Authority (EPA) has repeatedly recommended that Helena and Aurora Range (Bungalbin) be given Class A conservation status. There are compelling arguments for the range to fully protected through secure conservation tenure.

Helena and Aurora Range (Bungalbin) is too beautiful and precious to mine

Helena and Aurora Range (Bungalbin) is the most outstanding banded-ironstone formation (BIF) range in the Yilgarn/Great Western Woodlands. It is by far the largest, highest, most topographically prominent, and most convoluted BIF range – the highest peak for at least 430 km in any direction. Its landform is unique and ancient with outcropping, caves, gullies, overhangs, monoliths, and rock faces. Its biodiversity is exceptionally high with two Threatened flora, 14 Priority flora, and five endemic plant species found nowhere else in the world. The EPA described Helena and Aurora Range (Bungalbin) as “one of the more significant biodiversity assets in WA” (EPA 2007, Bulletin 1256).

Helena and Aurora Range (Bungalbin) has a high social value

Helena and Aurora Range (Bungalbin), and other conservation areas in WA, are vital to our physical and mental well-being. A broad spectrum of people visit the range, including nature lovers, scientists, 4WD enthusiasts, bushwalkers, photographers, videographers, wilderness seekers, and ceremony participants – weddings and ANZAC-day dawn services. Helena and Aurora Range (Bungalbin) is an incredible place to celebrate and honour, study and protect.

Helena and Aurora Range (Bungalbin) is significant to its Traditional Owners, the Kalamaia Kapurn people. It has a high number of Aboriginal heritage sites – seven registered Aboriginal sacred sites and at least 18 Other Heritage places.

EPA says “no” to mining and “yes” to protection of Helena and Aurora Range (Bungalbin)

Mineral Resources Limited is currently seeking approval for its *J5 and Bungalbin East proposal* to mine iron ore at Helena and Aurora Range (Bungalbin). The EPA has *twice* rejected Mineral Resources' proposal, recommending that it is “environmentally unacceptable” (EPA 2015, Report 1537; EPA 2017, Report 1599). In its 2017 report, which was from a Public Environmental Review, the EPA concluded that “the case for inclusion of the Helena-Aurora Range in class A formal reservation is now even more compelling”. The EPA's recommendation was supported by over 50 scientists, including many eminent environmental scientists, who signed a Science Statement backing the EPA (Science Statement launched November 6 2107). On November 24 2017, the Environment Minister, Hon. Stephen Dawson MLC, fully endorsed the EPA's recommendation by dismissing all appeals by Mineral Resources and other mining interests against the EPA's position. Mr Dawson made it clear that the EPA's recommendation was supported by “the available evidence on environmental impacts”.

Broad support for the protection of Helena and Aurora Range (Bungalbin)

There have been repeated calls since 1981 for the full protection of Helena and Aurora Range (Bungalbin) from scientists, Traditional Owners, conservation organisations, concerned members of our community, and government agencies, such as the EPA, WA Museum, and DEC/DPaW. WA Labor has since 2004 indicated that Helena and Aurora Range (Bungalbin) should be protected.

There has been a groundswell of support and a genuine interest in Helena and Aurora Range (Bungalbin) as more people have become aware of its significance and visited the range. This is highlighted by the Public Environmental Review, which generated 1480 submissions opposing Mineral Resources' mining proposal – including a record number of high quality submissions (EPA 2017, Report 1599). More recently, over 10000 people emailed the Environment Minister calling for Helena and Aurora Range (Bungalbin) to be protected in a National Park.

Mining will leave few, if any, significant BIF ranges intact in the Yilgarn/Great Western Woodlands

Helena and Aurora Range (Bungalbin) is one of only 14 BIF ranges in the Yilgarn/Great Western Woodlands. Six of these ranges are highly significant for landform and biodiversity; the remaining eight are low lying with lesser landform and biodiversity values. Unfortunately, three of the six highly-significant BIF ranges are being mined for iron ore. The other three – Helena and Aurora, Die Hardy, and Mt Manning Ranges – remain intact, but they are covered by mining tenements and are susceptible to mining. This highlights the urgency for protecting Helena and Aurora Range (Bungalbin).

Mining will cause serious and irreversible damage to Helena and Aurora Range (Bungalbin)

Mineral Resources propose to remove 3.8 km or 10.3% of the Helena and Aurora Range (Bungalbin), including 20% (approx.) of the range's main section. This will irreversibly destroy the natural values of the range – landform, flora, fauna, ecological function, intactness, integrity, and wilderness experience – leaving mine pits and rock-waste dumps that can't be rehabilitated. If their mining proposal is approved, new mines and mine extensions on Helena and Aurora Range (Bungalbin) will be inevitable.

Helena and Aurora Range (Bungalbin) highlights an imbalance between mining and conservation

There is *not one* BIF range in the Yilgarn/Great Western Woodlands that is protected from mining through secure conservation tenure. This is despite years of recommendations and calls from scientists and expert committees for the protection of Helena and Aurora Range (Bungalbin) and the other significant ranges. Yet, mining projects and expansions continue to be approved. This point was stressed by the EPA in its 2012/13 Annual Report, where it again called for the protection of the Helena and Aurora Range (Bungalbin):

“While many mining proposals in the Yilgarn region have been approved the EPA believes there needs to be an acceleration of protection of the ranges of highest biodiversity value ... there are currently no BIF ranges protected from mining through secure (Class A or National Park) conservation tenure ... At least four of the mining proposals recommended by the EPA for approval in the last seven years were recommended on the basis that an area of equivalent or greater conservation value would be conserved within a Class A reserve. None of these reserves have been established.” (EPA 2013, 2012/13 Annual Report). Little has changed since 2013.

Successive WA governments have clearly failed to protect BIF ranges in the Yilgarn/Great Western Woodlands because of conflicting interests from mining. The government has merely vested areas of conservation significance in “dual-purpose” conservation parks or “conservation and mining” reserves that allow mining. We believe that the WA government has failed to designate “no-go areas” for mining and it has not adequately protected our natural heritage for all Western Australians to enjoy.

We have not taken our “complaint” to the Parliamentary Commissioner for Administrative Investigations.

Helena and Aurora Range (Bungalbin)

Timeline for conservation history

This timeline outlines the conservation history for Helena and Aurora Range (Bungalbin) and other Banded Ironstone Formation (BIF) Ranges in the Yilgarn/Great Western Woodlands. It highlights that after years of recommendations and extensive reviews from expert committees, not one of these BIF ranges is protected from mining through secure conservation tenure. The formation of the Mt Manning Range Reserve was instrumental in Helena and Aurora Range (Bungalbin) being included within its current Class C “dual purpose” conservation estate.

- 1962 The Western Australian Subcommittee of the Australian Academy of Science Committee on National Parks recommended Mt Manning Range area, just 50 km north of Helena and Aurora Range (Bungalbin), be made a reserve.
- 1969 The Reserves Advisory Council recommended that the Mt Manning Range area be made a reserve to protect the flora and fauna.
- 1974 The Conservation Through Reserves Committee (CTRC) put forward a proposal for the Mt Manning Range Nature Reserve in the Green Book (Conservation Through Reserves Committee 1984. Conservation reserves in Western Australia. Green Book Systems. 1-5, 8-12. Report to the Environmental Protection Authority).
- 1975 The Environmental Protection Authority (EPA) produced the Red Book, Conservation Reserves in Western Australia. Red Book Systems included recommendations for areas to be classed as conservation reserves in Western Australia. Proposal 11.3 recommended Mt Manning Nature Reserve for reservation with the potential to include Jackson and Die Hardy Ranges following further investigation. Proposal 11.4 excluded the Mt Manning Range. The establishment of conservation reserves under the recommendations of the Red Book continues to this day. The Department of Environment and Conservation was responsible for administering these recommendations. (Environmental Protection Authority 1975. Conservation reserves for Western Australia. Red Book Systems 4, 8, 9, 10-12).
- 1979 Mt Manning Range Nature Reserve (No. 36208) was declared for the purpose of conservation of flora and fauna and gazetted as a C Class Nature Reserve (190 121 ha). The central Mt Manning Range was excluded; this area was in a Mining Act Ministerial Temporary Reserve (1971H).
- 1980 G.J. Keighery (Botanist) proposed, in the Scientific Journal *Western Australian Naturalist*, that BIF ranges be included in the Mt Manning Nature Reserve to conserve their unique flora and vegetation.
- 1981 Department of Conservation and Land Management (CALM) purchased Mt Elvire Pastoral Lease to add to the conservation reserve system. This was purchased with funds from the sandalwood industry.
- 1985 “The biological surveys of the Eastern Goldfields of Western Australia, Part 3 Jackson – Kalgoorlie Study Area by the WA Museum and Department of Conservation and Land Management (CALM) during 1979 to 1981” published. Many new plant species were discovered, including on Helena and Aurora Range (Bungalbin), as well as range

extensions for several reptile species. The mammals and plants were considered to be diverse and among the richest in the eastern goldfields. It was noted that none of the BIF ranges in this area were protected in reserves.

- 1989 Department of Conservation and Land Management (CALM) purchased Jaurdi Pastoral Lease, including the low-lying Mt Finnerty Ranges and Watt Hills, to add to the conservation reserve system. These were purchased with funds from the sandalwood industry.
- A review of the biological data for Die Hardy Range, Mt Jackson Range, and Helena and Aurora Range (Bungalbin) supported their inclusion in an expanded Mt Manning Range Nature Reserve. The review was published in report submitted to the EPA Red Book Task Force: "Nature Conservation Reserve Recommendations for the Mt Manning Range Area" by N. Henry-Hall.
- 1990 The EPA Red Book Task Force Conservation Through Reserves Committee (CTRC) System 11 Report again recommended the expansion of the Mt Manning Reserve.
- 1991 Mt Elvire Pastoral Station was purchased by Department of Conservation and Land Management (CALM) to add to the conservation reserve system.
- 1993 Red Book Status Report on the implementation of conservation reserves for Western Australia published with recommendations by the EPA.
- 1994 The "Goldfields Region Management Plan 1994-2004" (Department Conservation and Land Management, Management Plan No. 27) published. Recommendations included (1) Mt Manning Nature Reserve retain its C Class status due to pre-existing mining tenements and that the range itself be included (formerly occupied by Temporary Reserve 1971), and (2) Mt Manning Nature Reserve be extended southward to include Helena and Aurora Range (Bungalbin) (vacant crown land at the time) and have C Class status.
- 2000 Hunt Range incorporated within Mt Manning Nature Reserve.
- 2002 The EPA recommended against mining at Windarling Ridge in "Koolyanobbing Iron Ore Expansion, Report and recommendations of the Environmental Protection Authority" Bulletin 1082. The State Government overturned the recommendation.
- 2004 A media statement from the office of the Environment Minister, Hon. Judy Edwards, stated that the Helena and Aurora Range (Bungalbin) would become an A Class Nature Reserve together with the Die Hardy Range, Yokradine Hills, and Boondine Hills; forming part of the Mt Manning Range Nature Reserve. This was under an agreement that allowed mining at Windarling Ridge and Mt Jackson Range. Cabinet overturned the decision days later with the intention that the area be made a Conservation Park that allows mining, instead of a Class A Nature Reserve.
- 2005 Helena and Aurora Range Conservation Park (No. 48470) was created (~134,345 ha). Mt Manning Range Conservation Park (No. 48470), previously excluded from Mt Manning Range Nature Reserve, created (~12,947 ha). It included Mt Manning Range. This was possible as the Mining Act Temporary Reserve (1971H) over Mt Manning Range expired and its tenure had changed to unallocated Crown land.

- 2006 The management of the Northern Yilgarn Conservation Reserves under development and included the existing Mt Manning Nature Reserve and the four proposed additions: Helena and Aurora Range Conservation Park, Die Hardy, Mt Jackson and Windarling Conservation Park, Mt Elvire Conservation Park and Jaurdi Conservation Park. Public comments were sought.
- 2007 The report “Advice on areas of the highest conservation value in the proposed extensions to Mount Manning Nature Reserve” published (EPA Bulletin 1256). Under section 16e advice of the *Environmental Protection Act 1986*, this advice was commissioned by the Environment Minister in 2005 with the objective to determine the areas of the highest conservation value within the proposed Mt Manning Range Nature Reserve.
- Publication of Nuytsia Volume 17 – a special edition funded by the Western Australian Government's 'Saving our Species' biodiversity conservation initiative. It included papers describing and naming several plant species that occur on Helena and Aurora Range (*Lepidosperma bungalbin*, *Lepidosperma ferricola*, *Neurachne annularis*, *Leucopogon spectabilis*). There was also a paper indicating the high biodiversity values in the Yilgarn and the BIF ranges by Neil Gibson, David Coates, and Kevin Thiele.
- 2008 A “Strategic review of the Conservation and Resources Values Banded Ironstone Formation of the Yilgarn Craton” (Government of Western Australia) was published in August 2008. Three reports were presented in this document: (1) Strategic Review of the Banded Iron Formation Ranges of the Midwest and Goldfields (Department of Environment and Conservation and Department of Industries and Resources); (2) Banded Ironstone Formation Ranges of the Midwest and Goldfields (Department of Environment and Conservation); and (3) Regional setting and benefits of mineral prospectively economic benefits social benefits and impact (Department of Industry and Resources). The BIF ranges reviewed included all those within the northern half of the Yilgarn Craton, from Koolyanobbing Range (north of Southern Cross) to Jack Hills and Robinson Range (north of Meekathara). The Strategic Review was committed to the creation of Class A Nature Reserves or National Parks over Helena and Aurora Range, Die Hardy Range, and Mt Manning Range. The report indicated a pre-disposition against the development of these ranges. However, part of Helena and Aurora Range was excluded from Class A status and referred to as Bungalbin East.
- An Issues paper was published: “Northern Yilgarn (Mt Manning Range, Mt Elvire & Jaurdi) Conservation Reserves Management Plan”, which considered land tenure issues and recommended the Helena and Aurora Range as a Class A Nature Reserve or National Park (with the exception of Bungalbin east). Mt Manning Range Nature Reserve and Mt Manning Range Conservation Park were recommended as A Class Nature Reserve or National Park. The Issues paper was made available for public comment. Comments were invited from all stakeholders via a Management Plan Newsletter.
- 2009 The Draft Management Plan for the Northern Yilgarn (Mt Manning Range Nature Reserve, Mt Elvire and Jaurdi) Conservation Reserves was submitted for the approvals process before going before the Minister for the Environment and Cabinet.
- 2010 Media release by Environment Minister, Hon. Donna Faragher, and Minister for Mines and Petroleum, Norman Moore, announcing the new nature conservation and mining arrangements for the Mt Manning area. The arrangements were to “... ensure the proper

management of significant nature conservation values in the region and certainty for industry regarding investment.”

The reserves included the following tenures: (1) Helena and Aurora Range remaining as a Conservation Park (allows mining); (2) Mt Manning Reserve still a reserve with the exclusion of a section over Mt Manning Range vested as a Conservation Park; (3) Former Mt Elvire Pastoral Lease, Mt Finnerty Range (former Jaurdi Pastoral Lease), Hunt Range, Johnson Range (Diemals Pastoral Lease), Windarling Range (Diemals Pastoral Lease), and Mt Jackson Range (formerly Mt Jackson Pastoral Lease) proposed to be reserves for conservation and mining under section 5(1)(h) of the *Conservation and Land Management Act 1985*; (4) Areas of former Mt Elvire Pastoral Lease and former Jaurdi Pastoral Lease not including Banded Ironstone Formation geology proposed as Conservation Parks; (5) Most of Die Hardy Range proposed as a Class A Nature Reserve, excluding a mineralised portion in the south-east.

2013

The Wilderness Society (TWS) and Helena and Aurora Range Advocates (HARA), with the support of the Wildflower Society of Western Australia, launched a proposal for Helena and Aurora Range (Bungalbin) to be vested in a Class A National Park: “Proposal for the creation of the Helena and Aurora Range (Bungalbin) ‘Class A’ National Park, A jewel in the Great Western Woodlands”.

EPA Annual Report 2012-2013 tabled in Parliament. Under the heading “Land”, the EPA presented one “pressure point” (Banded Iron Formation Ranges, Yilgarn Craton) and four “key issues” (Rehabilitation of disturbed landscapes, Cumulative impacts on the Swan Coastal Plain, Perth-Peel Regions, South West forest health and Whicher Scarp). Under “pressure point - Banded Iron Formation Ranges, Yilgarn Craton”, the EPA expressed its concerns that there was a significant imbalance between development and conservation of the BIF ranges with their unique landscapes and species they support. The EPA stated that “given the significant biodiversity values of the Helena and Aurora Range, which have been confirmed in contemporary published research, the EPA is adopting a presumption against any further development for those parts of the range that are within the conservation park identified in the government's framework for the Mt Manning region.” The EPA also recognised the development pressure on the BIF ranges Mungada, Karara, and Koolanooka; it was reviewing information on their conservation values.

The proposal for Helena and Aurora Range (Bungalbin) to be a Class A National Park was acknowledged in the Labor Party (WA) Platform within a resolution passed at the WA Labor 2013 Conference. The resolution read “WA Labor supports the addition of areas of high conservation value into the conservation estate. We note the proposal for the Helena and Aurora Range (Bungalbin) to form a ‘Class A’ National Park”.

May 2014

Mineral Resources referred its *J5 and Bungalbin East* proposal to mine iron ore at Helena and Aurora Range (Bungalbin) to the EPA for level of assessment

July 2014

EPA released the referral of the *J5 and Bungalbin East* proposal for public comment on level of assessment

December 2014	EPA recommended to State Government that mining Helena and Aurora Range (Bungalbin) would be 'environmentally unacceptable' and Mineral Resources' proposal 'should not be implemented'
January 2015	EPA <i>Report 1537</i> published, outlining how it came to its decision in December 2014. The EPA concluded that the proposal should not be implemented because it could not be managed to meet the EPA's objectives for Landforms and Flora and Vegetation. Appeals lodged against the EPA's recommendation
April 2015	Minister for Environment, Hon. Albert Jacob MLA, rejected the EPA's recommendation and directed the EPA to assess the <i>J5 and Bungalbin East</i> mine proposal at the Public Environment Review (PER) level of assessment
May 2015	EPA determined that the PER would be subjected to an 8-week public review period The EPA released the Environmental Scoping Document for the PER
September 2016	Mineral Resources released PER document for its <i>J5 and Bungalbin East</i> proposal Eight-week period for public submissions opened
October 2016	Public submissions closed
March 2017	EPA proceeded to assessment State Election, Labor Government elected
April 2017	Response to public comments by Mineral Resources released
May 2017	EPA received final information for assessment
June 2017	EPA delivered <i>Report 1599</i> to the Minister for Environment. EPA once again recommended to State Government that mining Helena and Aurora Range (Bungalbin) would be 'environmentally unacceptable' and Mineral Resources' proposal 'should not be implemented' <i>EPA Report 1599</i> published
July 2017	Nine appeals have been lodged against the EPA's recommendation
November 2017	Environment Minister, Hon. Stephen Dawson MLC, dismissed all appeals and fully endorsed the EPA's recommendation
~December 2017	Environment Minister Stephen Dawson and State Cabinet will make the final decision on Mineral Resources' mining proposal