



NSW & ACT Prospectors and Fossickers Association Inc.

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“Fights for fairer access to land in NSW and represents interests of prospectors and fossickers”

SUBMISSION: Draft Plan of Management

Cottan-Bimbang National Park, Cottan-Bimbang State Conservation Area and The Cells State Conservation Area

August 14, 2017

Summary

- This submission seeks to allow recreational fossicking in the Cottan-Bimbang National Park, the Cottan-Bimbang SCA and the Cells SCA.
- This will reinstate the right to practice a traditional activity and allow more citizens to enjoy the health and wellbeing benefits of a popular outdoor activity that is presently not permitted in this area, despite its gold mining history.
- Increased visits by fossickers will provide a needed stimulus to regional tourism and business, in-line with NSW government policies.
- Impact of fossicking is grossly exaggerated (without evidence) in order to justify its prohibition in this POM.
- Change can be effected by an amendment to the current Plan of Management which enables fossicking with consent.

Introduction

NAPFA appreciates this opportunity for comment on the proposed Draft Plan of Management.

We hope that when the new POM is settled that there will be an opportunity for recreational fossicking in this area, or at least selected parts of it, especially given its known history of gold mining and fossicking, and the minimal impact of recreational fossicking on the values of such an area.

NAPFA understands the NPWS requirement to manage and protect aspects vital to maintaining significant areas and potentially endangered sites. However, such management should also be able to co-exist with reasonable use of both National Parks, and State Conservation Areas, like Cottan-Bimbang and the Cells, by recreational fossickers.

This is particularly so given that these two SCAs were so reserved by Government because of their mineral potential for exploration. It is a fact that there are many old workings mines within these boundaries. They are not pristine areas.

For many years, NSW fossickers have faced an unrelenting and extreme bias within the NPWS system which has resulted in the automatic exclusion of fossicking, even though it may be permitted by consent, and even though there is no evidence of any durable negative impacts from fossicking.

This review presents NPWS with a real opportunity to be fair to the fossicking public, while still meeting its overall conservation goals.

There is a genuine public need for balance in this equation to reduce alienation of the substantial recreational fossicking community towards NPWS and Government generally.

Fossicking, in this day and age, is a recreational activity. Despite what some (green-oriented) elements who oppose recreational fossicking contend, recreational fossickers who use hand tools cannot be compared in any fair way with mining or exploration at any level. There are also significant [regulations](#) (NSW Fossicking Guidelines) governing the what and how recreational fossickers can go about their hobby. Those regulations place strict limits on fossicking.

The NPWS, as the manager of these areas, may also determine what type of fossicking activity is allowed, and where it should be allowed. For example, it is possible under the POM to consent to allow fossicking with metal detectors all over the park, while also permitting panning in creek-lines. It does not have to be “everything or nothing”.

Fossicking is allowed by consent at Torrington SCA and the Abercrombie Karst Reserve, and there has been no calamity because of that policy.

If the approvers of this plan of management will not permit fossicking by consent even in specific areas of the park, then NAPFA requests that the specific exclusion of fossicking be removed in line with the flexibility foreshadowed in the NPWS Draft Policy for Fossicking in Parks. Please contact Claire Allen in your department for this. We are told the new policy will be published on the website in September. (It was to have been last June).

Background and Policy Analysis

The Draft POM states that: “the main mining periods in the parks were between 1895 and 1900, during the 1930s and between 1954 and 1966. Gold was the focus of this mining activity, with manganese also mined. These mines were not greatly successful and were generally small claims, exploring surface veins and alluvial traces. Many of the mining artefacts now found in the Cells Creek area are from the later period of exploration, and include horizontal and vertical mine shafts, stone mining refuse and abandoned mining machinery, including a crusher plant.”

Given that the area has already been mined at an industrial level, the exclusion of fossicking from the area is quite unfair given the relative rarity in NSW of alluvial gold areas and their surrounding reefs suitable to undertake recreational fossicking; and the benign impact of the activity. There is also a strong precedent set by 130 years plus of continuous interest in the area’s mineral resources by miners, prospectors and fossickers.

It is extraordinary that so many of the mineral deposits (yellow dots in the image below) seem to have been snapped up by NPWS interests.

When the areas were reserved in 2003, the right of access by fossickers was not given proper consideration. At the time, there was no peak body to effectively represent fossickers’ needs and they were just ignored or not thought of as relevant.

The land in the area has been substantially altered by human activity. It is not a pristine wilderness. Rather it is an example of an alluvial gold field and nearby reef mines that, by its characteristics, is suitable for use by recreational fossickers, among others.

In SCAs, there is nothing to stop a mining company undertaking mining exploration and eventually taking up a full mining lease there (subject to approval of course). There are active leases on the area now. **Why were these EIs not shown in your draft document?** They are easily found using NSW government online services.



However, dad, mum and the kids can't go there to try to scratch a bit of colour from the dirt or go metal detecting without breaking the law! That does not pass the 'fair test.'

It is NSW Government policy to encourage more use of NSW's parks and reserves. In recent times this has resulted in positive changes to permit horse riding and even shooting in national parks. This is a commendable policy shift and is helping to restore some balance to the way that parks and reserves can be used by the people, who through the state, own them. They are public resources.

However, such policy has yet to have any positive impact on fossicking which continues to suffer unfair perception issues due it being an allowable activity under the Mining Act. Routine 'cut and paste' statements – such as exist in the draft POM -- about the impact of fossicking are greatly exaggerated as part of the exclusion strategy perpetuated by NPWS which has failed to move with the times.

NAPFA has been working with NPWS and the OEH Minister's Office to develop a suitable policy to guide fossicking in national park areas. The draft policy clearly states that fossicking can be permitted with consent.

1.2 Statement of Significance.

Provisions to allow fossicking in the areas listed would actually advance the historic values of the area by allowing people to experience the time-honoured practice of gold prospecting/fossicking as carried out by prospectors back in the 1800's and later.

Too much of that history is being allowed to fade away, and be erased by natural forces, obliterating the very features that are part of the so-called 'historical heritage'.

Heritage, however, is not necessarily a static matter and there is certainly scope within the Act to accommodate an activity that encourages public appreciation and use in sustainable ways.

As stated in the Auditor-General's performance report into Management of historic heritage in national parks and reserves,

"the broad objectives and principles for the management of historic heritage in the reserve system are established by the National Parks and Wildlife Act 1974. The Act establishes that a key purpose of the reserve system is the conservation of objects, places or features of cultural value within the landscape including places of social value and of historic, architectural and scientific significance. The management principles for places and landscapes of cultural value include conservation, public appreciation, visitor use and enjoyment, and the sustainable use of buildings and structures.

The agency (NPWS) describes one of its primary goals in managing historic heritage values is to facilitate conservation outcomes through the sustainable use of heritage places, enabling a vibrant and living approach to heritage conservation and management."

This indicates that conservation is not a "glass box" activity, whereby all things need to be preserved in a static state.

Enabling fossicking in these areas would encourage public appreciation, visitor use and enjoyment in a sustainable way, without undermining the special significance of the area.

Importantly it would breathe life into the heritage environment, giving it some of the very vibrancy that will be a significant point of appeal for many people.

Increased fossicking visitation to the area will contribute positively to the local economy. The importance and value of this cannot be underestimated. Once again, that is in-line with NSW Government policy.

2.2 Management purposes and principals.

NAPFA notes that mineral exploration and mining are permitted in SCAs.

Given the extremely low and transitory impact of recreational fossicking compared to that of a full-scale exploration and mining operation, the amateur recreational fossicker cannot be said to pose any significant damage or risk to the area that is greater than any other visitor.

What impact there is, is temporary, and pales in significance to the changes in the landscape that are wrought by the forces of nature, such as floods, fires, landslides, feral animals, and even including native animals – such as wombats that dig massive holes.

The very fact that these SCAs can be explored and mined, with the appropriate consents, while fossickers are denied access, demonstrates the narrow approach that NPWS has exercised in the past and continue in this Draft POM.

Exploration and Mining, even with the appropriate safeguards that would be demanded would far exceed any possible environmental impact by a fossicker using hand tools. The SCAs include areas that are currently subject to Mineral Exploration Leases! That's OK but fossicking isn't?

The draft POM also indicates that fossicking occurred prior to reservation as an SCA. Reservation as SCAs stripped fossickers of their rights overnight.

Where was the recognition of a prior activity taken into account?

The draft states: *Fossicking can disturb the natural, cultural and other recreational values of the area. Threats to water quality and soil erosion are a major concern, particularly in Cells Creek.*

This gross exaggeration, typical of unfounded statements about fossicking in NPWS documentation, lumps fossickers with all the negatives while not acknowledging the positive contributions that fossicking makes to the community, nor its place in NSW history as a time-honoured tradition that helped put NSW on the map. This suggests fossickers are somehow responsible for diminishing water quality when there are many other human and natural forces at play, e.g. trail-bikes and weather. Also what about areas that are not related to the creek?

Fossicking with hand tools has a minimal and passing impact. So do most other human activities.

The draft states that there are *“numerous exposed shafts in the area formerly subject to mining in The Cells State Conservation Area, including some that are located close to roads and trails, and these may pose a ‘risk’ to visitor safety.”*

Again this is exaggeration of the issue. “May” does not mean it does any more than the word “can” and does not constitute sufficient reason to exclude it. By definition “may” also means that it may not be so.

We contend this risk, small that it is, would be appropriately managed with warnings and protection in key spots. Experience in other States (notably Victoria and Western Australia, where open shafts are the norm in accessible goldfields) shows that fossickers are well capable of managing any risks involved.



Appropriate warning sign in Torrington SCA

In fact, fossickers are generally much more alert to these risks than general members of the public who may equally access such areas while they are bush walking, bike riding or horse riding. If you are so concerned about this issue, then you should exclude all users of the parks concerned.

To date NAPFA is not aware of any fossicker coming to grief through misadventure while working in old goldfield areas, because of shaft and adit issues. Contrast this with the number of deaths and injuries with canyoning, rock fishing or swimming. Those activities continue unaffected in NSW, with participants assuming their own risk.

While NPWS rangers cannot possibly cover all the country they control all the time; non-fossicking visitors to SCAs who disregard the warning signs, their inquisitiveness causing them to stray off the marked tracks, represent a far greater risk to their wellbeing than a recreational fossicker who knows what to expect and is constantly vigilant while moving about in old mined areas.

Most serious fossickers do considerable research on areas they plan to visit to maximise their chances of being successful.

This type of research generally requires sound knowledge in map reading skills, the use of Global Positioning Systems (GPS) in conjunction with said maps as well as a compass as a back-up alternative and Emergency Personal Locator Beacons.

Hand-held UHF radios are also used to stay in touch with fellow fossickers in the area. Along with mobile phones, all these devices and measures minimise the risk of a well-equipped fossicker becoming injured, lost or stranded in the bush.

In addition, NPWS need not assume it must 'make safe' traditional mining areas, simply to allow public access by fossickers. As in other States, and even elsewhere in NSW (Torrington for one), disclaimers in the form of appropriate signage can be made in relation to fossicking activity, in this or any other area where fossicking may be undertaken.

In addition, NAPFA contends that it is extremely ironic to the point of laughable that the Draft POM further states: *"disused mines may provide important bat habitat that may be vulnerable to disturbance."*

This means that disturbance that have lasted up to 130 years, are now being lauded as habit for animals the presence of which are at the same time used to exclude fossicking? This is hypocritical in the extreme. Also, once again the use of the all-powerful word "may" instead of hard evidence.

Surely it is also reasonable to suggest that the minor impact of fossicking may also assist biodiversity in the same way? There is good evidence it does, while not presenting any risk to species of any sort. (See appendix 1.)

Geology, landscape and hydrology.

NAPFA disputes the comments that recreational fossicking would represent the threats as outlined; given that the areas that have been disturbed by the previous gold mining activities by the old timers have largely self-regenerated. And given that fossicking is a low impact activity.

Visitor use

Geo Tourism (recreational fossicking) has the potential to increase visitation and add to the value of the SCA.



Geo tourism is alive at Inverell

Implementation.

There is no evidence that fossicking is as negative or as risky as claimed.

There is no consideration given to metal detecting and panning despite their low impact. This is a very harsh and unreasonable call. This is despite the fact that NPWS will continue to work with DRE on any Exploration Lease requests.

What NAPFA suggests is a balanced approach that enables metal detecting over a wide area, and panning in creeks.

The SCAs have already been highly altered by mining and could still be! And yet an activity as benign as fossicking is prohibited.

Other activities that will be permitted and even encouraged by the POM (horse riding, bike riding) all have their own associated risks. The minor risks from fossicking can, and should be, managed within the management plan.

In addition, the areas are quite rugged and vegetated and this will naturally limit the amount of fossicking that occurs. Nature imposes its own limits on fossickers. It also quickly erases the minor signs that fossicking has occurred.

Conclusion.

Fossicking Environmental Impact

A typical 1 gram gold deposit found and removed by a fossicker using a metal detector occupies about the same volume as a single raindrop.

Alluvial gold found and removed by a fossicker with a gold pan typically amounts to a few flecks of about the same order of magnitude as the head of a pin, if he or she is so lucky as to find any.

Gold, being an inert metal, offers no nutritional value to either plants or animals and as such its removal cannot possibly disadvantage any of the ecological targets that NPWS is seeking to protect.

The removal without disadvantage of such insignificant gold targets contrasts markedly with the removal by the typical metal detector operator of a wide range of more harmful targets in the areas being explored. Detectorists routinely remove acknowledged harmful objects such as lead bullets, sharp and rusty pieces of iron, lead shot and rubbish left behind by generations of explorers before them.

NAPFA recognises and respects the need to protect sensitive ecosystems. It is also essential that decision makers acknowledge the history that has preceded the present situation. All those ecosystems have already withstood a far greater impact of human activity than anything that is likely to occur in the future.

Indeed, compared to what the flora and fauna populations have already accommodated, the likely impact of modern day fossickers is negligible. Fossicking is not the great threat it is painted to be.

The impact of naturally occurring events, such as fires, floods and even animal burrowings, far and away exceeds the foreseeable impact of fossickers. However, those events are considered 'natural' and therefore OK.

The NSW government has promulgated several initiatives to encourage outdoor recreation and fitness activities to combat obesity and other diseases. The healthy, outdoor physical activity encouraged by fossicking serves to reduce the demand for public health services and enhance the quality of life experiences for families and individuals.

Fossickers enhance their own health and also furnish a community benefit by removing poisonous lead leaching into water courses and eventually into drinking water supplies.

Precedents

There are precedents that demonstrate the co-existence of ecological protection with fossicking.

NSW Forestry Corporation authorises, by a permit system, allows fossicking activities in State Forests. In addition, fossicking is also permitted at designated locations such as at Torrington SCA and the Abercrombie Karst Reserve, also under NPWS control. All these areas maintain healthy biodiversity that is unaffected by fossicking.

Recommendation

This revised Plan of Management should provide consent for recreational fossicking as an ecologically sustainable, low key nature-based recreation opportunity. It should also provide facilities for other visitors to enjoy and appreciate the SCA and its different attractions.

Likewise, it should continue to manage any existing rural activities, including fossicking, mineral exploration and mining interests to ensure appropriate environmental practice and ecological sustainability.

This does not mean exclusion of recreational fossickers as a default. It should mean inclusion and management of fossicking in the same way as other allowable activities.

Consent for panning and detecting, even in some limited and relevant areas, would be a reasonable outcome for fossickers. Both are low impact activities and easily managed.

If the approvers of this plan of management will not permit fossicking by consent even in specific areas of the park, then NAPFA requests that the specific exclusion of fossicking be removed in line with the flexibility foreshadowed in the NPWS Draft Policy for Fossicking in Parks. Please contact Claire Allen in your department for this. We are told the new policy will be published on the website in September. (It was to have been last June).

Our members, some of whom are familiar with the areas, stand ready to assist you with your deliberations.

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President**

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Fossicking in relation to environmental change

By Dr Michael Tanton, BSc (Hons), ARCS, DIC. PhD (Lond.)*

It is important to keep in mind a distinction between outright protectionism masquerading as conservation, and true conservation based on an holistic understanding of ecological interactions. So many statements that one encounters involve attempts to 'protect' a species regardless of all else, including other species that inhabit the same environment.

Unfortunately, many advocates wish to enshrine a status quo as they see it now, or recall its state over the last few years.

But environments are not static, and never have been: they are in a constant state of flux in response to climate changes, the most dramatic being the glacial and interglacial periods that occurred over tens of thousands of years. More recent experience includes the cycles of drought and wet periods, each extending over several years. Then we have the impact of one species, Man, superimposed on these climate cycles: the impact has been dramatic.

From the regular burning of areas by Aborigines to modern practices of prescribed burning at fairly frequent intervals, the species composition of the plants and the structure of the habitat is changed towards species that can set seed before the next fire is applied. So-called 'fire-weeds' take over the areas. Roger Goode showed this very clearly in the Cooma area to my students.

Introduction of alien plants and animals including mammals, birds, fish and invertebrates have further altered habitats and the native species they once contained. These changes have been further compounded by the spread of agriculture, examples of recent major changes being the clearing of much of the Victorian mallee and the Queensland brigalow after the second world war.

Agriculture has introduced newer threats from increased rates of water run-off after storms, resulting in increased turbidity, run off of agricultural chemicals, and salinity in waterways. The extensive use of herbicides and insecticides inevitably results in spray drift into surrounding remnants of the original vegetation. In many areas the continuing clearing of remaining habitats for agriculture is further reducing the amount of such habitat required to support viable populations of many species. I grew up during the war on a farm, and any land not growing an economic crop was often considered to be waste land to be converted at the earliest opportunity. It is an attitude that still seems to prevail today.

Yet another variable to be added is atmospheric pollution and also changes in radiation levels as a result of changes in the ozone layer.

As a result of all these inputs, certain plants and animals are favoured and numbers have increased, in other cases they have become extinct. And the process will continue despite the efforts of park services and governments. Once this is realised, we should get realistic multi-use recreation guidelines in place as soon as possible. The major impacts on species are not related to sensible multi-purpose use.

One aspect of ecology that often is not considered is that in any locality there will be species present, often in quite small numbers, but at the limits of the range covered by that

particular species. In that locality that species may be classed as rare or endangered, but is common elsewhere across its range. If the climate changes one way or the other, the species is likely to fluctuate, occasionally disappearing and then reappearing again. With all these impacts that affect large areas it is economically inconvenient for politicians, environmentalists and big business to blame these major human impacts for change in populations of different species so scapegoats are needed.

Fossicking using a 'high-banker' concentrator on sand banks and using a pump to supply water from a river gives very limited impact. Anyone who has moved a cubic metre of sand, gravel and larger stones will appreciate the amount of energy involved in doing so. The wash flows back on to the sand bank, and the water filters back down to the water table. The incidence of floods completely reorganises the sand banks meaning that they are always at no more than early stages of any colonisation by fauna and flora.

A misconception conveniently promulgated by some opponents is that 'sluicing' is harmful, washing away river banks and silting waterways. These hypothetical statements reveal a lack of knowledge of, and research into, the techniques now used. A sluice, or high-banker concentrator is the device that separates the gold. The water is pumped direct to the concentrator and the hopper is filled by hand. No hydraulic high-pressure water nozzle directed at the bank is used! It would benefit a lot of critics to get out in the field and experience modern fossicking instead of relying on misinformation, disinformation and downright propaganda. I experienced those techniques in England during the second world war and, unfortunately, they are still used today to mislead the uninformed.

One further point. The newly disturbed areas provide new establishment sites for re-colonisation by pioneer species, aiding the diversity of habitat along the river as a whole. I produced seven Fauna Appendices and the Fauna chapter in the relevant EIS for State Forests of NSW. The Murwillumbah document was based on a very comprehensive fauna survey of the area by the CSIRO Division of Wildlife Ecology, with whom I maintained close contact. They considered that the outstanding biodiversity of the area they surveyed was attributable to the wide variety of habitats available as a result of logging by State Forests of NSW and the diversity of age classes of regrowth. Now gazetted as a national park, it is likely that the species diversity and numbers will change markedly as younger stages of regrowth disappear.

In my 80 years, I've seen a lot of change. Post-war changes in agriculture, air, land and water pollution have interacted with climate cycles and continue to bring about the most change. Recreational fossicking ranks with other recreational activities as a very minor local contributor lost in the major area impacts. Considering the benefits of recreational pastimes to the participants and community there is much to commend NAPFA for its June 2015 synopsis of the problems and restrictions on fossicking. It is a very realistic appraisal.
September 20, 2016

**From 1960 to 1965 I was a Senior Scientific Officer with the UK Nature Conservancy, in the Woodland Research Section at Monks Wood Experimental Station in Huntingdonshire. In late 1965 I was appointed to the Australian National University and lectured and researched in various aspects of forest zoology, ecology and wildlife management. In this context wildlife included plants and animals and habitat interaction. I retired in early 2002 as a Senior Lecturer. In the early 1990s my broad background led to liaison with State Forests of NSW and also CSIRO Division of Wildlife Research when I was contracted to produce the very substantial Fauna Appendices of 7 Environmental Impact Statements and also the fauna chapters of each of those FIS. These were all closely vetted by State Forests' counsel Allen, Allen and Hensley as fully meeting the requirements of the FIS legislation.*