



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 Monga State Conservation Area

October 16, 2017

Summary

- This submission seeks to allow recreational fossicking in the Monga State Conservation Area, as per the call for comment on the [draft Plan of Management](#).
- This will reinstate the right to practice a traditional activity that was removed in 2005 without consideration of its impact on fossicking.
- Consent will 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 and previous fossicking access as a State Forest.
- Increased visits by fossickers will support regional tourism and business, in-line with NSW government policies.
- The potential impact of fossicking on water quality and biodiversity is grossly exaggerated, without evidence, resulting in prohibition of fossicking in the draft POM.
- Change can be effected by a consent amendment to the current Plan of Management. This will enable fossicking to occur.

Introduction

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

We hope that when the new POM is settled there will be an opportunity for recreational fossicking in this area, especially given its known history of gold mining and fossicking, and the minimal impact of recreational fossicking on the declared values of the 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 Monga State Conservation Area, by recreational fossickers.

This is particularly so given that this SCA was so reserved by Government because of its mineral potential for exploration. It is a fact that there are many old gold workings within the boundaries. This is not a pristine area. Rather, it has been cleared, farmed, grazed, logged and mined for over 130 years. It is ex State Forest.

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 (evidenced by this draft POM), 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 growing alienation of the substantial recreational fossicking community and antipathy 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, either current or historical.

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 SCA, 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. Monga should be treated in the same way.

Background and Policy Analysis

The Draft POM states: *“As described in Section 3.4, Monga SCA includes sites associated with gold mining in the 19th century. Exploration for minerals and petroleum (including gas), as well as mining and petroleum production, are permissible uses in state conservation areas, and there is ongoing interest in the mineral values of the park. At the time of the second statewide review of state conservation areas, the park was covered by a mineral exploration licence (NPWS 2014).”*

Given that Monga has already been mined during a gold rush, the exclusion of fossicking from the area is quite unfair, especially 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.

When the area was reserved in 2005, 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, not thought of as relevant, or worse still – not even thought about at all.

The land in the area has been altered by human activity that includes mining, grazing, logging and eucalyptus oil extraction. 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 this SCA, a mining company may undertake mining exploration and eventually taking up a full mining lease there (subject to approval of course).

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

It is NSW Government policy to encourage more sustainable 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 set aside for the best and widest possible use by the public.

Unfortunately, such policy has yet to have any positive impact on fossicking which continues to suffer unfair perception issues and outright rejection due it being an allowable activity under the Mining Act.

We note that horse riding is allowed for in the Monga Plan of Management. Why not fossicking?

Routine ‘cut and paste’ statements by NPWS – such as exist in the draft POM – greatly exaggerate the impact of fossicking.

NAPFA has been working with NPWS for several years 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.

Heritage

Provisions to allow fossicking in the Monga SCA would advance the heritage values of the area by allowing people to experience the time-honoured practice of gold prospecting/fossicking as carried out by prospectors since the late 1800s.

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 this area 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 area in the form of a cultural activity (fossicking) that would enhance the heritage environment, giving it some of the very vibrancy that will be a significant point of appeal for many people.

Biodiversity

No threatened plant species have yet been identified in Monga SCA. However, eight rare or threatened plant species have been recorded within 5 kilometres of the park (see Table 2). As suitable habitat for these species is present in the park, it is likely these species may be found in Monga SCA with further survey.

This statement shows the problem. Even when studies show there is no threat, the areas are in effect "extended" beyond what is under consideration to hypothetically include threatened species when there are none evident.

This is a clever strategy. However, it is also grossly unfair, and self-serving, as it will almost always result in a negative outcome, based on hypothetical and unproven risk.

Much of the area in the this SCA has been either logged, grazed, farmed, cleared or mined. Very little of it is in its natural state.

NPWS's stated approach is to have it all "naturally regenerate". Fossicking will not diminish this regeneration process, and could well support the biodiversity goals for the park. In fact, there is good evidence that limited disturbance encourages biodiversity that can be lacking in monocultural environments. See Tanton, Appendix 1.

A word of warning to NPWS as the land manager for this SCA. The Monga SCA is a bushfire time-bomb. There is a huge build-up of fuel both on the ground and with undergrowth that never receives reduction burns. This mismanagement will eventually result in a bushfire Armageddon for the plants and animals that inhabit the SCA and risk to surrounding settlement.



Shallow shaft demonstrating regrowth.

Mining and Minerals and the environment

From the draft:

Monga SCA is located on one of the older undifferentiated meta-sedimentary sequences, the Ordovician Adaminaby Group. The area contains a number of significant historical gold deposits, both reef and alluvial (see Section 3.4), which indicates that the park has potential for gold mineralisation (NPWS 2014).

NAPFA notes that mineral exploration and mining can occur in this SCA.

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, storms, 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 and other Draft POMs.

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.

Prior use by fossickers

The draft POM also indicates that fossicking occurred prior to reservation as an SCA. It is NAPFA's understanding that NPWS park managers are obliged to consider prior ongoing activities when they set up plans of management. This did not occur in 2005.

Reservation in 2005 as an SCA stripped fossickers of their rights overnight with no right of appeal.

Why was this pre-existing activity not accommodated in the NPWS changeover even though it was known to exist? Why is National Parks ignoring fossickers as a user group?

Water catchment issues

The draft highlights the fact that the 1000 hectare Monga SCA – like vast areas of the surrounding farmland and infrastructure which cover thousands of square kilometres -- is located in the 'Sydney drinking water catchment'. This is being used as a rationale to exclude fossicking.

Where is the fairness when horse dung, cow dung, road works, housing, 4WD driving, cycling, motorcycling, camping, housing, farming and many other developments are permitted in the catchment but fossicking is not?

Given the insignificant scale of isolated and low level fossicking disturbance on a 1000 hectare reserve, and the general stability of the soil landscape, as stated in the report

The erosion hazard in this soil landscape is low to moderate where vegetation is retained (Jenkins 1996).

there is no measurable impact on Sydney Water Quality!

The NPWS as the public authority must, before it carries out or consents to any activity in the catchment, consider whether the activity would have a neutral or beneficial effect on water quality.

A fair-minded assessment would conclude that fossicking has such a low impact that the effect must be neutral and should be considered thus.

Instead, it is extremely disturbing that the Draft POM deliberately and pointedly excludes fossicking on the basis of this water quality issue, without any proof of adverse impact by fossicking that is any different to other accepted uses of the area. From the report:

There has been no fossicking undertaken in the park since it was reserved. Fossicking could adversely impact the values of the park, particularly its water quality values. Consistent with NPWS policy and SEPP Sydney Drinking Water Catchment, fossicking is prohibited in the park (see Sections 2.2 and 3.1).

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. farming, urbanisation, roads, floods, storms, bushfires and feral animals just to name a few.

As the author of this submission I have seen large areas of undergrowth in the Monga SCA that has been turned over by feral pigs. Not to mention the evidence of vehicles, bikes, horses, trail-bikes, wombats (who can dig enormous burrows leading to erosion) and weather.

Let's be real here. Fossicking with hand tools has a minimal and passing impact. So too, do most other human recreational activities.



Photo shows ridgeline (near but nor part of the SCA) that has been mined in the 19th Century.

Economy and tourism

Geo Tourism (recreational fossicking) has the potential to increase visitation and add to the value of the SCA to the community as a whole, including the hospitality sector. Braidwood and Mongarlowe are the locations most likely to benefit.

However, to be realistic we are not talking about lots and lots of visitors. With severe access limitations to the SCA, and rugged terrain, the numbers would not be large. However, those recreational fossickers who consider this area prospective (myself included) deserve the right to be able to fossick there.

The area is one of the few prospective fossicking areas near Canberra – a major population centre, and it is not far from Sydney either.

Encouragement of geo tourism is in-line with NSW Government policy. Unfortunately, NPWS is not heeding the message.



Geo tourism is alive at Inverell

Environmental Impact of fossicking

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

NAPFA rejects assertions that recreational fossicking would threaten this SCA.

Fossicking is a low impact activity. Its impact in this SCA would be insignificant.

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

The SCA has already been significantly altered by historical mining and could still be! And yet an activity as benign as fossicking is prohibited.

In addition, the area is 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.

From personal experience walking in this area, the author of this submission highlights the lack of formed track access, thick undergrowth, rugged terrain and leech infestation in any low-lying areas as significant limiters on fossicking activity. However, for the hardy few, the opportunity should not be denied.

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 impacts of naturally occurring events, such as fires, floods and even animal burrowings, far and away exceed 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 physical and mental health. As a by-product provide a community benefit by removing poisonous lead from bullets 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, which are under NPWS control. These areas maintain healthy biodiversity that is unaffected by fossicking.

Recommendation

The Monga revised Plan of Management should provide consent for recreational fossicking as an ecologically sustainable, low key nature-based recreation opportunity.

Subject to need, it should also provide facilities for other visitors to enjoy and appreciate the SCA and its different attractions.

Recreational fossickers should not be excluded by default. The activity should be facilitated and managed in the same way as other allowable activities.

Consent for panning and detecting would be a reasonable outcome for fossickers. Both are low impact activities and easily managed.

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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.

One further point. Newly disturbed areas provide new establishment sites for re-colonisation by pioneer species, aiding the diversity of habitat. 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.

**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.*