



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 COPELAND TOPS STATE CONSERVATION AREA.

November 18, 2016

Introduction.

Summary

- This submission seeks to allow recreational fossicking in the Copeland Tops State Conservation area.
- This change 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 long-standing goldfield.
- Increased visits by fossickers will provide a needed stimulus to regional tourism and business.
- Change can be effected by an amendment to the current Plan of Management.

NAPFA appreciates this opportunity for comment on the proposed Draft Plan of Management, even though by our estimate the review is overdue by at least three years, given the SCA was reserved in 2007 and there is supposed to be five-yearly reviews.

We hope that when the new POM is settled that there will be an opportunity for recreational fossicking in this SCA, 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 Copeland Tops, 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 it has scores of old mines within its boundaries and is not a pristine area. It is also adjacent to vast tracts of National Park where fossicking is unlikely to ever be permitted.

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 Copeland Tops Plan of Management 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 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 the Copeland Tops, 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, with an exclusion around the Mountain Maid precinct, while also permitting panning in creek-lines. It does not have to be "everything or nothing".

Background

There have been extensive gold mining operations in this area for about 100 years and fossicking and prospecting activity for an additional 30 years. A commercial mine still operates in the SCA.

The Copeland (Back Creek) goldfields were discovered in 1876 and reported to the NSW Mines Department in 1877. Gold despatched under escort from the Copeland Division during 1880 was 8326 ounces. By the end of 1934 the annual gold yield from the Copeland gold fields had dropped to 699 ounces.

In 1960 seven enthusiastic friends from Newcastle were granted a mining lease to re-open the Mountain Maid mine and attempted to return it to its former glory. In August 1980, the mining lease expired, due to the high cost of running the mine. The syndicate was disbanded and the mine again was left to the elements of nature.

In 1987 a proposal was put to the Gloucester Shire Council to establish an authentic 1880's gold mining town on the site of the old Mountain Maid mine. The project was called GOLDTOWN and was under the management of Mr John Dale and borders on the Copeland Tops State Forest. By all accounts the venture folded due mainly to high running costs.

This history is detailed by the NSW Department of Primary Industry's "Primefact" "Copeland Gold Deposits" published in February 2007. A copy is at **Attachment 1**. (This document should have been referred to and referenced in the Draft POM).

A book "Copeland Gold" by Norman Mitchell also details the mining history of the area. A short summary is at **Attachment 2**.

Since 2003 NPWS has managed the Copeland Gold Fields as a State Conservation Area.

Consequently, fossicking is now banned, under the risk of severe fines.



Figure 1: No fossicking at Copeland!

The exclusion of fossicking from the area is quite unfair given the relative rarity 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.

Like many regional areas of NSW, Copeland needs to play to its own special points of difference to attract visitors and tourists.

The obvious potential for fossicking-based tourism has even been recognised by NPWS. In 2012 there was an article in the Newcastle Herald about NPWS running paid guided gold panning tours at Copeland. If such activity had been undertaken by a member of the public however, they could have been subject to prosecution.

Current promotional material about Copeland also highlights the mining past as a key attraction. For example, [the Mountain Maid tours](#).

Policy analysis

When the State Conservation Area was declared 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, especially mining. 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.

As a State Conservation Area, 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 is even an active gold mine within the boundaries of the SCA today.

However, dad, mum and the kids can't go there to try to scratch a bit of colour from the dirt 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.

However, it 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.

NAPFA has been working with NPWS and the OEH Minister's Office to develop a suitable policy to guide fossicking in national park areas. [Here is a link to that process](#), which is still underway. The draft clearly states that fossicking can be permitted with consent.

In the event your review of this Draft POM does not specifically provide consent to fossicking, then at the very least it must remove the specific prohibition that currently exists. This will provide an opportunity for the policy to facilitate access outside of the POM process.

In fairness, however, and in the spirit of the new policy, your review can and should provide consent to fossicking in this SCA.

Specific responses to Draft POM elements

P2 1.2 Statement of Significance.

Historic Heritage, Economic and Recreational Values.

Provisions to allow fossicking in the Copeland Tops SCA would actually advance the historic values of the area in that it would allow people to experience the time-honoured practice of gold prospecting/fossicking as carried out by the early cedar getters-come prospectors back in the 1800's.

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 is not necessarily a static matter and there is certainly scope within the Act to accommodate an activity that encourages public appreciation and use.

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 Copeland Tops 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 Copeland 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 Barrington and Gloucester local economy. The importance and value of this cannot be underestimated. Once again, that is in-line with NSW Government policy.

P3 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 fossicker cannot be said to pose any significant damage or risk to the area.

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 this SCA can be explored and mined, with the appropriate consents, while fossickers are denied, demonstrates the narrow approach that NPWS has exercised in the past and continue in this Draft POM. This is despite personal representations to NPWS Executives by NAPFA on-site at Copeland in 2013.

The SCA includes areas that are currently subject to three mining leases (including an active gold mine which is leased until 2022), and is covered by a petroleum exploration licence.

Our research indicates that there are up to 50 old mines in the area and the background to the Draft POM refers to widespread evidence of mining activity.

The background also indicates that fossicking occurred prior to reservation as an SCA, when the area was managed by State Forests. The change of status stripped fossickers of their rights overnight.

The Draft POM notes that fossicking is generally not permitted in parks because of its impact on land stability, cultural heritage, and native plants and animals. No evidence is put forward to support this generalised claim.

It also says: *“The endangered stuttering frog is threatened by activities that may degrade water quality in the SCA.”*

This is exaggeration. Clearly the stuttering frog was not wiped from the landscape during the previous widespread mining activity. Other activities proposed in the very same plan – such as horse riding, bike riding, trail walking all have the potential to degrade water quality, whether it be through horse manure, track erosion through over use or the excavation work done to construct trails. And yet these activities are condoned and managed. Why are fossickers different?

There is ample evidence in NSW and from other states proving that fossicking undertaken under *Fossicking Guidelines* does not adversely impact on water quality in those areas where fossicking is permitted.

In addition, NAPFA contends that it is extremely ironic that the Draft POM further states: *“The large number of old mining shafts and adits (mine entrances and tunnels) provides an abundance of roosting habitat which may be suitable for microbat species.”*

How can it be that environmental impacts (mine workings) that have lasted 130 years, are now being lauded as habitat for animals the presence of which are at the same time used to exclude fossicking?

Surely it is also reasonable to suggest that the minor impact of fossicking may also assist biodiversity in the same way?

The draft POM notes that: *“the numerous shafts and adits associated with the SCA’s mining history are a potential risk to visitors and staff. Some shafts and adits have been mapped, however it is impractical and cost-prohibitive to identify and map them all. In areas of high visitation, some shafts and adits have had gates and grids installed. Signage has been installed at all entrances to the SCA to highlight the safety issue.”*



Figure 2: Appropriate warning sign in Torrington SCA

We contend this risk, small that it is, appears to 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.

NAPFA is unaware of any serious accidents involving NSW fossickers, (or for that matter, in other States) and old shafts.

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.

P4 2.3 Specific management directions.

Recreational fossicking would fit well into the points listed under the above heading in the Draft POM, as it would carry on the history of the area. There would certainly be an educational aspect to the hobby in that parents would be teaching their children, and others would have the chance to learn the techniques of fossicking as carried out by the 'old timers'.

NAPFA notes that NPWS has invested a lot of money in the Mountain Maid precinct education centre that was constructed in 2008. This is an open-sided, roofed structure with a small lockable office must have cost a lot of public money to build.

At present, it is probably under-used for the NPWS Discovery Program, particularly for school groups, and by the volunteer program.

We also note that the whole of the Mountain Maid Precinct is underutilised and that there is interest in more leasing and licencing arrangements, presumably to recoup costs and to boost visitation. (see Section 3.7). Fossicking in the SCA would only enhance the awareness and appeal of such enterprises and support an expanded visitor economy.

P5 3.1 Geology, landscape and hydrology.

Issues.

NAPFA disputes the comments that recreational fossicking would represent the threats as outlined; given that the significant 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.

Recreational fossickers are not likely to cause any of the significant issues noted in this section. There is no evidence to support the claims of potential threat.

P7 3.2 Native plants/ Issues.

In terms of endangered plants and the Stuttering Frog, the fact that they still exist in the area after the past gold mining activities should give some indication that they are well adapted to this type of activity. Again, recreational fossickers are in no way likely to cause any significant disturbance, such as the old timers did in the area.

P12 3.6 Visitor use.

"Visitation is currently below the capacity of the site"; see also P19 3.7 Information and education: Issues.

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



Figure 3: Geo tourism is alive at Inverell

In terms of hazards; we agree safety is important. But, the very nature of fossicking is that those involved are vigilant of their surroundings, taking note of any potentially hazardous areas while keeping an eye out for clues that may lead to areas worthy of prospecting.

By all means, fence and grate obviously unsafe areas, but other than that, simply warning users of the risks with signage represents sufficient remediation of risk. This is practiced in other NPWS lands.

The Copeland Tops area is one of the few prospective areas near Newcastle and the North Coast. Ability to fossick the area would provide a welcome near destination for recreational fossickers who live in the area. At present, they need to travel many hours to get to decent areas.

P27 5.2 Non-NPWS uses and operations.

Commercial mining and exploration are permissible in SCA's with appropriate safeguards for the environment.

This type of activity, even with the appropriate safeguards would far exceed any possible environmental impact by a fossicker using hand tools.

5.2.4 See also P33 5.2.4

NAPFA would support a similar arrangement for recreational fossickers as described here for mining leases and are at a loss to understand why recreational fossicking is viewed with such antipathy.

P29 6 Implementation.

3.1.4

NAPFA disagrees strongly on this point. There is no evidence that fossicking is as negative or as risky as claimed.

Disallowing recreational fossicking, while permitting commercial operations, as proposed here, is simply allowing the status quo whereby NPWS seeks to gain commercial advantage by restricting an activity to its paying guests or those of its licencees! Unless you 'pay to pan' you won't pan at all.

There is no consideration given to metal detecting and panning despite their low impact. This is a very harsh and unreasonable call.

What NAPFA suggests is a balanced approach that enables metal detecting over a wide area, and panning in creeks. Remember that panning can only occur if water is available. Therefore, it won't be possible over most of the park, for much of the time.

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.

The SCA has 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 SCA management plan.

P31 3.7 Information and Education.

3.7.5

NAPFA supports safety measures that minimise risks to the public with little or no knowledge of possible dangers while moving around historic gold fields. Fossickers for the most part are very aware of these dangerous locations and how to work around them safely.

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.

Copeland is an example where; once State Forests are worked out and passed to NPWS, suddenly the old goldfield workings become a serious safety issue, to the extent that tracks are closed and or have signs indicating, "authorised vehicles only" and visitors should not stray from marked tracks.

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 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.

Summary and Conclusions.

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 this SCA 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, especially the frogs and owls have already withstood a far greater impact of human activity than anything that is likely to occur in the future.

The area encompassed by the SCA has previously been subjected to the impact of cyanide, mercury, explosives, higher levels of lead and zinc and raw sewerage from a large and transient mining population. Thankfully the flora and fauna in existence throughout those times are ALL still with us today.

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.

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

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

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Attachment 1

Ref: http://www.resources.nsw.gov.au/_data/assets/pdf_file/0011/109676/copeland-gold-deposits.pdf



copeland-gold-deposits primefacts.pdf

Attachment 2

COPELAND (BACK CREEK) GOLD FIELDS.

Summary from the book *COPELAND GOLD* by Norman Mitchell.

The Back Creek goldfields; now known as the Copeland gold fields were first discovered by two timber getters while searching for Cedar in the Barrington area in 1876.

This first discovery was made in one of the branches of Back Creek; Back Creek has two branches known then as the left and right branches, known now as Copeland Creek.

The Back Creek and Barrington Gold Fields were first reported to the NSW Mines Department in 1877.

In early 1876 both branches of Back Creek were found to contain alluvial gold, this in turn started a minor rush to the area, while the two branches of the creek were not overly rich some sizable nuggets were recovered and reported, the largest weighing approximately 35 ounces.

By early 1877 the alluvial gold in both branches of Back Creek was pretty much worked out; some 1500 ounces was estimated to have been won.

Miners noticed that some of the gold washed in their sluice boxes was attached to water worn quartz.

As the alluvial gold began to run out miners turned their attention to locating the quartz reefs that the gold must surely have been liberated from, this led to exploration of the surrounding ranges.

Fortunately for the miners of the day their efforts were rewarded and the prospects of reef mining started another rush to the Copeland gold fields.

As 1877 drew to a close, the gold boom at Back Creek/Copeland was in full swing, the township was growing and success for the miners and their families looked fairly bright.

One notable aspect of the Barrington diggings was the absence of Chinese.

By early 1878 there were some twenty distinct lines of gold bearing reefs proved.

By 1879 there were two townships known then as Copeland North and South, Copeland North was at the junction of the two branches of Back Creek and almost connected to the southern settlement by a long street.

Principal reefs on the right-hand branch of Back creek.

ROSE AND THISTLE	BUCKLEY'S REEF
THE PRINCE EDWARD	RUBBLE REEF
LADY MATILDA	MILLER'S REEF
THE BENGAL TIGER	

The principal reefs on the right-hand branch of Back Creek.

LADY BELMORE	THE MELBOURNE
THE CENTENNIAL	THE MECHANICS
LORD OF THE HILLS	PRINCE CHARLIE
TOWN AND COUNTRY	THE HOMEWARD BOUND
HIDDEN TREASURE	THE MORNING STAR
STAR OF THE SOUTH	THE LADY LIZZIE
MOUNTAIN MAID	THE ROSETTA
THE RAINBOW	

By the close of 1879 it was estimated that there were between 1000 and 1200 people in the Copeland division, of these about 600 were genuine miners and of these there were not more than 20 who were working the alluvial areas, the bulk of the miners were now reef mining.

In the early days there were four ten head stamper batteries in the Copeland division for quartz crushing, each being driven by ten horsepower steam engines.

These machines were located at: BURLEY & THOMAS – Left Hand Branch.

DRISCOLL'S	-- Left Hand Branch.
R. CAMPBELL'S	-- Right Hand Branch.
VIVIAN & PENDER	-- Bowman's River.

It was reported that there were 51 distinct auriferous quartz lodes in the Copeland Division.

RIGHT HAND BRANCH	8
LEFT HAND BRANCH	16
BOWMAN RIVER	10
COBARK	14
KERRIPIT	3

By years end 1879; 10015.675 ounces of gold were recorded from the Copeland Division.

There is a quote from an 1879 report to the NSW Mines Department by Mr Wilkinson, Geological surveyor that would be of interest to the modern-day fossicker.

The report refers to the geology and reef form in the Back Creek area. *"So, under the present high charges; stone already raised to the surface is not crushed unless it shows gold quite freely, if this situation does not occur the stone is put aside lest the yield won't cover costs".*

Gold despatched under escort from the Copeland Division during 1880 was 8326 ounces.

By the end of 1934 the gold yield from the Copeland gold fields had dropped to 699 ounces.

In 1960 seven enthusiastic friends from Newcastle were granted a mining lease to re-open the Mountain Maid mine and attempt to return it to its former glory.

In August 1980, the mining lease expired, due to the high cost of running the mine the syndicate was disbanded and the mine again was left to the elements of nature.

The Mountain Maid mine was one of dozens on the Copeland gold fields; its total recorded gold yield to the close of 1932 was 417 kg.

In 1987 a proposal was put to the Gloucester Shire Council to establish an authentic 1880's gold mining town on the site of the old Mountain Maid mine. The project was called GOLDTOWN and was under the management of Mr John Dale and borders on the then Copeland Tops State Forest. By all accounts the above venture folded due mainly to costs running the venture.