

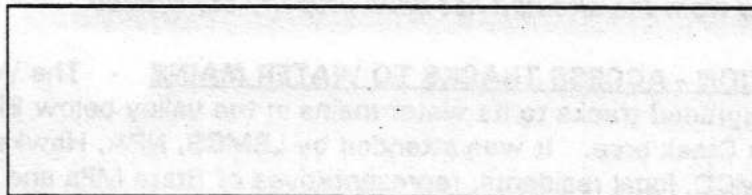


April/May/June 1994

## Lower Mountains Eco-News

NEWSLETTER OF THE LOWER BLUE MOUNTAINS CONSERVATION SOCIETY INC.

RETURN ADDRESS:  
LBMCS  
P.O. BOX 119  
SPRINGWOOD 2777



### Notice of Meetings



**SPECIAL MEETING - FRIDAY 27 MAY**  
**8 PM, Springwood Neighbourhood Centre**

**NICK GILLIES, Research Worker with NPWS**  
**will give a talk and answer all your questions**  
**on the NPWS Fire Control program.**

**All welcome. Tea and refreshments**  
**available after the discussion.**

### .....MONTHLY MEETINGS.....

**8.00 pm Springwood Neighbourhood Centre**  
**Fourth Friday of every month.**

Friday	22 April 1994
Friday	27 May 1994
Friday	24 June 1994
Friday	22 July 1994



## AIMS

To inform the public on environmental and conservation issues; research into population and distribution of fauna in the Blue Mountains and neighbouring region.

## MEMBERSHIPS

Australian Conservation Foundation.  
Nature Conservation Council of NSW

## OTHER GROUP INVOLVEMENT

Society for Growing Australian Plants  
(Blue Mountains Branch)  
The Total Environment Centre  
National Parks Association (NSW)  
Upper Blue Mtns Conservation Society  
WIRES  
The Wilderness Society  
CHANGE

Glenbrook Lagoon Society  
Eastern Escarpment 530A Cmte  
Darks Common Trust  
Nepean River Committee  
The Colong Foundation (Inc.)

## SOCIETY CONTACTS

President: Colin Anderson	(39 4374)
V.Pres: Margaret Baker	(54 1196)
George Threlfo	(39 5125)
Secretary: Richard Phillipps	(39 2568)
Publicity: Besse Bramsen	(51 2787)
Editor: Julie Senior	(39 6465)
Treasurer: Elizabeth Stark	(54 2019)
Librarian: Wynne O'Brien	(58 6504)
General Enquiries:	
Aleen Hanley	(39 4079)

## BRIEF NOTES

**CLEAN UP AUSTRALIA DAY** - Members working outside the Native Plant Reserve at Glenbrook collected ten large bags of rubbish in the small strip along the highway, just as much as last year. One bag contained bottles and cans. Members could write to John Fahey, Premier of NSW, urging the introduction of Container Deposit Legislation along the lines of the South Australian legislation.

**COOLABAH ROAD, VALLEY HEIGHTS** - LBMCS supports local residents opposing the gross over-development proposal in Coolabah Road. The BMG (16/3/94) reported the local Bushfire Brigade Captain as pointing out that the site was at the end of a ridge known to be fire-prone and that proper fire brigade access to and from the site had not been properly considered.

**WARRIMOO DEGRADATION - ACCESS TRACKS TO WATER MAINS** - The Water Board held an inspection in March of degraded tracks to its water mains in the valley below Blaxland and Warrimoo, particularly in the Cripple Creek area. It was attended by LBMCS, NPA, Hawkesbury-Nepean Trust, Soil Conservation Service, BMCC, local residents, representatives of State MPs and others concerned with water catchment and bush regeneration. Some sections of these tracks have been extensively used by trail bikes and 4WD vehicles resulting in severe erosion (which has to be seen to be believed).

The Board will undertake restoration of the tracks and bushland around the mains. Gates will be erected to prevent access to the area. The Board will be working with BMCC, bushfire brigades, Prospect Electricity etc. to develop an integrated management strategy. Much will depend on the vigilance of local residents to see that unauthorised vehicles are kept out.

(See also LBMCS Secretary's letter to BMG 6/4/94.)

Aleen Hanley (25/3/94)

**BLUE MOUNTAINS FOR WORLD HERITAGE** - Word has it that the Botanic Gardens has been given the consultancy for the initial investigations of the Blue Mtns for World Heritage proposal. This is considered to be a positive step.

**WORLD ENVIRONMENT DAY - SATURDAY 6 JUNE** - World Environment Day is to be celebrated in the Blue Mtns by a gathering of local environmental and state/council groups at the Springwood Civic Centre on 6 June. Environmental information will take the form of stalls, videos, etc. along with entertainment. For more information phone Thelma Murphy on (047) 51 6046.

**UPDATE ON GLENBROOK LAGOON** - At a meeting of the Glenbrook Lagoon Society held on 27 March, a report of Uni of Western Sydney staff was presented. The report on the research program conducted by university staff will now go to the Blue Mtns City Council. It is hoped that the recommendations concerning eradication of water weeds (salvinia and fanwort) etc. will be accepted by Council and implemented soon.

In the meantime, a **WORKING BEE** will be held at the northern end of Lagoon Drive at an early date. Notice of this event will be given in the Communicator, Blue Mtns Gazette.  
(28/3/93)

Aleen Hanley





## LAND SPECULATION - THE FAST BUCK

Investing in land is the easiest and quickest way to make a profit. You can not lose and if you are able to gain foreknowledge of the best land in which to invest, you could be sitting on a gold mine.

Collusion between land speculators, local politicians and officials connected with the planning process has always backed such activity, and it is through the zoning of land to allow for a higher density or wider scope of development than was previously permitted that the best profits are made. The Blue Mtns is a developing area and is therefore a prime area for speculators in that it minimises their risks.

*The consequences of land speculation include a rise in the overall level of inflation, an increase of land prices, the erosion of the ability of local councils to provide efficient public services such as transport, water, power and adequate sewerage systems, and the impossibility of effectively making a plan that is beneficial to the residents and does the least damage to the environment. In the Blue Mtns it is the environment that has suffered the most as a result of land speculation.*

Nowadays you have to go beyond Katoomba to see vast tracts of undeveloped tree covered ridges and valleys from the highway. Between Lapstone and Katoomba the villages either merge into each other or there are only small undeveloped spaces that are visible from the highway between the towns.

The EMP Stage 1 that was completed in September 1991, has been worded so ambiguously and allows for such a wide scope of development in many different zones, that it can be used as a guide by speculators for future land purchases. Even before it was completed speculators were able to influence some of the zoning. According to one two planner in the Strategic Planning Department at the BMCC, since the completion of the EMP, many landowners who had not considered subdividing before, objected to restrictions and pushed for re-zoning or for permission to subdivide. The most effective, vociferous and influential landowners usually got what they wanted. In other areas, the EMP opened up the opportunity to subdivide

where it did not exist before. Stage 2 of the EMP, which covers the land within the towns, has not begun, therefore landowners are subdividing now before any restriction are placed on them.

*It is the unchecked development of vacant land for residential dwellings that is changing the face of the Mountains more rapidly than any large tourist development at present and there is no monitoring of subdivisions as no mechanisms have been set up to do this.* Several different local groups are already overworked in attempting to campaign against the various large tourist resort proposals, and it is very hard to mobilise people against low level attrition of residential development as the damaging effects on the environment are not immediately obvious, unlike the large developments.

In the lower Blue Mountains, development capacity has all but been used up. Further up around Valley Heights, Springwood and Faulconbridge large areas that are still capable of being developed are being subdivided and then sold by developers. For example in November you could buy one of 26 new blocks on the new "Sunset Ridge Estate" or one of the 18 on the also new "Winmalee Ridge Estate" near Springwood, both offering "terrific views overlooking National Park" and "living in pristine environment". The irony of the latter promise seems to have been lost on the real estate agent.

From Linden to Lawson, there is very little vacant land for sale because, according to local real estate agents, there are not many places left where building can take place (unless you start creeping into the valleys). In the upper Blue Mountains, however, the opposite is true, despite the lack of demand at present for private housing. In November there were approx. 70 lots for sale in Blackheath and 55 lots for sale in Mount Victoria. With a few exceptions, none of these lots were sewered, which contradicts the objectives in the Blue Mtns EMP to aim for all new development to take place in areas that are already fully serviced.

Most lots for sale are not scattered haphazardly around the area but are concentrated in particular streets and are a result of subdivisions of larger blocks of land.



**Contrary to the popular belief that these blocks just belong to locals or other people who bought their own small piece of land on which to build their own home, the majority of the owners of this land are usually from the wealthiest suburbs of Sydney.** They are often owned by registered companies. Many owners have more than one lot, and many own several large areas that have been subdivided. For example, of the 55 lots for sale in Mount Victoria, almost half were owned by a company called Personal Investments Pty Ltd, who are located in Pymble on Sydney's North Shore. Personal Investments also owns another 27 lots which are not at present for sale. Most of these are sites next to each other in several different streets.

There are also large areas of 'bush' for sale, such as 14 acres in Medlow Bath or 578 acres in Kanimbla Valley for \$474000. The latter area is zoned Rural Conservation which allows for limited development, but in time there is a good chance that the zoning will change, or the ambiguous wording of the zoning regulations in the EMP will be interpreted to allow a higher density of development if the council at the time is sympathetic and the landowner is determined enough to gain subdivision approval. The profits that could be made from such an area would be worth the wait.

Considering this information, the image of the little man, who has worked hard all his life to buy his small block of land, and is now having to battle "selfish greenies" and "greeny councils" to gain the right to do what he wants with it is a myth. It is a very useful image, however, for developers to perpetuate, and if they ever can find a "little man" to publicly complain about the limitations put on use of his land, the story is bound to be publicised. In January 1991, a front page article in the Blue Mtns Gazette entitled "Jensens will never surrender their land" outlined the 'plight' of Doug and Reba Jensen whose 80 acre property at Wentworth Falls was partly included in the extensions to the Blue Mtns National Park by the Wran government. A large part of the article was aimed at knocking conservations, whom the Jensens blamed and openly hated for their predicament.

The pressure to develop further in the upper Blue Mtns, particularly between the towns, will increase as soon as the sewerage system is upgraded, and as the Great Western Highway is straightened (as is happening between Woodford and Linden) and widened to enable faster commuting time. The highway is the only thing that is limiting

development at present and there is a concerted effort (mainly by developers) to promote a continuous four lane highway from Lapstone to Mount Victoria. Other suggestions have been the building of an alternative freeway. With the Olympic games coming to Sydney in the year 2000, it is inevitable that the expansion of the highway at least will take place and with it urbanisation of the upper Blue Mtns. The devastation of the environment both in pollution and visual terms will be enormous and the only way council can really protect land would be to buy it, which is virtually impossible given their limited funds.

Any other efforts to restrict development via the elected council or from environmental groups come under attack from developers and sympathetic politicians via the media, for instance Barry Morris appeared on the ABC program *The Investigators* to describe the present Council as being unable to "run a chook raffle". Campaigns to undermine the present Council increase the likelihood of a Council that is majority pro-development being voted in at the next Council elections, thus speeding up the pace of development, and increasing profits for land speculators. The most recent person elected to Council was Dick Harris, a supporter of the Liberal Party at the State and Federal level, who stood as an "Independent" and used the slogan "Restore the Balance".

Damage to the environment by excessive or inappropriate development is enormous, with resulting disturbance of vegetation, destruction of fauna habitats, soil erosion and diminished water quality. Already every stream around the populated areas of the Blue Mtns is polluted. ***The more the Blue Mountains are developed, the more rapid will be the environmental destruction and the more they will cease to be a tourist attraction, because the tourists come not to see suburban Sydney, but the Mountains themselves.***

The best protection possible for the Blue Mountains environment would be to declare the area World Heritage. In March 1993, State Minister for the Environment, Chris Hartcher, stated that should Sydney get the Olympic Games, he would push for World Heritage Listing for the Blue Mtns. It is hoped that this happens.

*A local resident.*

*Dec. 1993*



# FIRE CONTROL IN THE LOWER BLUE MTNS

The following is a list of lower Blue Mtns urban/council/crown land areas (not National Park) to be affected by the 1994 Blue Mtns Bushfire Protection Committee Fuel Reduction Program. There is some perimeter area strip burning but the majority of burns are a lot broader and take in large areas behind townships, particularly in the Cripple Creek and Yellow Rock areas. Most of the areas are broadly described as "open woodland". Detailed environmental information on habitat to be burnt can be viewed in the program which is presently on public display at Blue Mtns libraries and Council offices.

<u>Suburb</u>	<u>Locality</u>	<u>Last Burnt</u>	<u>Area/ Treatment</u>	<u>Fire Authority</u>
<b>Faulconbridge</b>	<b>Jackson Park, Victory Track</b>	<b>1977w</b>	<b>15ha/BB</b>	<b>UFB/BFB</b>
<b>Faulconbridge</b>	<b>Davies Pitt, Valley &amp; Bee Farm Roads</b>	<b>1977w</b>	<b>80 ha/SB</b>	<b>UFB/BFB</b>
<b>Faulconbridge</b>	<b>West of Davies Road</b>	<b>1984h</b>	<b>20 ha/BB</b>	<b>BFB</b>
Valley Heights	Farm/Burns Road	1977w 1989h	15 ha/SB	BFB
Valley Heights	The Chase, Valley, Wyoming, Sun Valley	1977w 1989h	24 ha/SB	BFB
<b>Winmalee</b>	<b>Singles Ridge Road, Yellow Rock Creek Trail</b>	<b>1986h</b>	<b>65 ha/BB</b>	<b>BFB</b>
<b>Winmalee</b>	<b>Cooroy, Yellow Rock Road</b>	<b>1979w</b>	<b>65ha/BB</b>	<b>BFB</b>
Warrimoo	Spurwood Road, Cripple Creek	1980w	55 ha/BB	UFB/BFB
Warrimoo	Rickard/Cross	1986h 1981h	18 ha/BB	UFB/BFB
Warrimoo	Waratah/Greens	1990h 1983h	7 ha/BB	UFB/BFB
Warrimoo	Boulevard, Florabella	1988h 1983h	14 ha/BB	UFB/BFB
Warrimoo	Railway Line underpass to Sun Valley Road	1977w	1 ha/SB	UFB/BFB
Warrimoo	Greens Road	1989h 1990h	6 ha	UFB/BFB
Warrimoo	NW of timber trail	1968w	3 ha/SB	BFB/CALM
Warrimoo	NW of Timber Trail	1968w	3 ha/SB	BFB/CALM
Warrimoo	S of Spurwood Road	1980w	2 ha	UFB/BFB
Warrimoo	S of Rickard Road	1992h 1990h	2 ha	UFB/BFB
Warrimoo	Torwood Road/GWH	1987h	16 ha/BB	UFB/BFB
<b>Blaxland</b>	<b>Attunga/Winnicoopa</b>	<b>1980w</b>	<b>36 ha/BB</b>	<b>BFB</b>
<b>Blaxland</b>	<b>Attuna Road</b>	<b>1987h 1991h</b>	<b>12 ha/BB</b>	<b>UFB/BFB</b>
<b>Glenbrook/Lapstone</b>	<b>Nth of Knapsack Street</b>	<b>1977w</b>	<b>4 ha/BB</b>	<b>BFB</b>
<b>Glenbrook/Lapstone</b>	<b>West of rail line at end of Coughlan Road</b>	<b>1987h</b>	<b>40 ha/BB</b>	<b>NPWS/BFB</b>

**TOTAL**  
**503 ha**



*Also noted were these areas, all burnt by the January Bell Range Wildfire and Backburn..*

Winmalee	E of Springwood Ridge	1985h	120 ha/BB
Winmalee	Roberts Pde/ Hawkesbury Road	1985h	30 ha/BB
Winmalee	White Cross/Leslie Rds	1987h 1976w	40 ha/BB

The following is a list of **NATIONAL PARK AREAS** identified by the NPWS for burning in 1994 under their Fuel Reduction Program.

<u>Suburb</u>	<u>Locality</u>	<u>Last Burnt</u>	<u>Area/ Treatment</u>	<u>Fire Authority</u>
Winmalee	Eastern side of Shaws Ridge track <i>(this area burn by 1994 Wildfire)</i>	1976w	150 ha/PP	NPWS
Mount Wilson/ Mount Irvine	Eastern side of Boronia Creek firetrail	1979w	180 ha/PB	NPWS
South of Springwood	Massif Ridge/The Labyrinth <i>(this area already burnt, see PP 5/4/94)</i>	1977w	2500 ha/PB	NPWS
"	Western Ridge	1977w	1300 ha/PB	NPWS
Glenbrook/ Lapstone	Duckholes Creek	1987w	250 ha/PB	NPWS
South of Katoomba	Pitts Amphitheatre	1957w	200 ha/PB	NPWS
"	Sublime Point Ridge Sth	1957w	350 ha/PB	NPWS
				<b>TOTAL 4930 ha</b>

*SB = Strip Burn, BB = Block Burn, PB = Prescribed Burn (or "ecological burn").*

Questions to be asked are whether these burns are knee-jerk reactions or scientifically-sound practices. Fire is a very complex issue and there is a lot of folk-lore and conflicting information hitting the mainstream. Science in this area is still relatively embryonic and mistakes are sure to be made. There is also the question of whether the community/government is putting the same resources into follow-up research into the aftermath of these practices as is being put into the burns. Is broad area burning really effective as a wildfire retardant? Is land speculation on the scale carried out in the Blue Mtns (and the resulting increase in demand for burns) seriously compromising the heritage and scientific values of the National Park? Will the increase in burning bring about an increase in weed infestation? etc. Another problem which should be followed closely is highlighted in the following quote from the Hawkesbury-Nepean Catchment Management Trust newsletter "River Post" (March 1994).

"A particular concern of the Trust is that of soil erosion on the steep sandstone slopes laid bare by the fires. If heavy rain occurs within the next few months large amounts of topsoil could be washed into the creeks, streams and rivers. This will result in destruction of fish habitats and will increase the likelihood of further blue-green algal blooms. Also the soil will block natural drainage lines and increase local flooding. Already in the upper Macdonald valley there has been a large fish kill as a result of soil movement following heavy rain soon after the fires were put out. Luckily since then there have been a number of light falls that have allowed the trees to start regenerating and the grasses and herbs to green-up the ground. The abundant ash on the ground has provided natural fertilizer to speed up the plant growth and already many of the badly burnt areas are recovering. However, it will be some time before the danger of excessive soil erosion is over."



## FLOODING TO DESTROY BLUE MOUNTAINS WORLD HERITAGE

Recent modifications to Warragamba Dam have added 6 mtrs of storage, pushing flood waters upstream into the Greater Blue Mtns NP. The Fahey Cabinet propose to further raise the dam wall at a cost of \$250m. This will raise the water level by over 40 mtrs. Extensive parts of river valleys in the Nattai and Kanangra wilderness areas will be inundated when flood waters are backed up by the new dam. The Blue Mtns have an internationally outstanding flora. Their diversity and richness provide habitat for many rare and endangered flora and fauna. This forms a key basis for the World Heritage proposal. Populations of at least 9 rare plants will be reduced to critical levels and the forests along the river flats forever lost, including the last Camden White Gum forest and important rainforests unique to the Blue Mtns. Large areas of the wild and scenic Coxs, Little, Wollondilly, Tonalli, Jooriland, Nattai, Kedumba and Kowmung Rivers will be damaged by bank erosion. The scenery will be degraded with a bare zone from fluctuating flood water levels behind the enlarged dam. Bushwalking opportunities will be ruined, as many campsites and river passes are drowned and valleys turned into moonscapes. **Greener, better alternatives are available.** According to the Water Board, Sydney could easily reduce water consumption by a third. Improved flood forecasting and monitoring techniques, coupled with measures such as releasing water from the dam before a flood arrives, can further eliminate the need for significant increases in flood storage.

### **SAVE THE BLUE MTNS NATIONAL PARKS.** Write to:

The Premier of NSW, the Hon John Fahey

The Minister for the Environment, the Hon Chris Hartcher

The Minister for Planning, the Hon Robert Webster

(all at Parliament House, Sydney)

**ACTION NEEDED**

Request the government to:

1. *Reverse its decision to augment Warragamba Dam and flood the GBMNP*
2. *Instruct the Water Board to release for public comment and review a comprehensive cost-benefit analysis of alternatives for flood management and Warragamba Dam safety, including an examination of the unpriiced environmental costs and benefits.*
3. *Immediately declare all the Kanangra-Boyd wilderness and implement plans of management for Blue Mountains National Parks.*

(from Colong Foundation for Wilderness)

## **CONSERVATIVES PUSH FOR CHANGES TO BUSH-FIRE ACT**

A state govt Cabinet Cmte chaired by Deputy Premier Ian Armstrong has released a report on the January bushfires which recommends broad changes to the Bush Fire Act. All key environmental groups are wary and critical of the planned amendments.

After lobbying from conservation groups and the State Labor Party, a Parliamentary Select Committee was established in mid March to look further into the matter. Even though this committee is chaired and perhaps monopolised by conservatives, it is believed that the greater emphasis on public information and accountability will be of benefit. Faye Lo Po, State Member of Penrith, is on the committee.

The proposed changes to the Bush Fires Act could be blocked by the Opposition and Independents. At this date they have not been fully debated in Parliament, with this session ending in the second or third week in May.

The National Parks Assn have prepared a detailed comment on these proposed changes. This briefing sheet is attached to this newsletter. Any concern you have on negative aspects of the government plan, and concern that legislation is being rushed through on the findings of a govt committee not open to public scrutiny, should be addressed to:

1. Your local State govt member.
2. Peter Anderson, Shadow Minister for Police, NSW State Parliament.
3. The Independent State Members.
4. John Fahey, Premier of NSW.

**ACTION NEEDED**



## BUSHFIRES - AUSTRALIA'S REGULAR WAR

Each year Australia is attacked by bushfires somewhere or other and the damage bill runs into millions of dollars - usually defined as loss of property and stock. It is hardly ever related to the loss of natural bush and native flora and fauna.

The regular fire fighters and others battle bravely to save lives and property, with some help from helicopters and services personnel. Meanwhile our massed defence machinery sits uselessly in hangars or at sea, awaiting the time when they will be used in a military war.

Some helicopters are fitted with buckets which drop water on the flames, but in Canada they have aircraft which scoop up to 6.5 tonnes of water at a time from the sea, lakes or other bodies of water. They are far more effective, and safer for the pilots too.

How would their cost compare with that of an F18 bomber? Why isn't our defence dollar spent in buying really useful fire-fighting equipment to be distributed around the country ready for the regular onslaught of the fires?

We know this battle will have to be fought each summer. Is it sensible to have our technological workers inventing and producing "bigger and better" weapons and war equipment, which is then sold off to any country willing to buy it, so that eventually the entire region is equally armed? Of course, it is then "necessary" to upgrade to even "better" equipment, which is then sold off to any country willing to buy it.

Is there any end to such a crazy scene? Surely there are more efficient ways to arrange our security! The defence dollar in Australia is spent entirely on the military, whereas the defence needs of Australia cover all aspects of our living. It is no good being able to stop an invader

if the country has already been devastated by natural causes.

The Australian Peace Committee in South Australia is working to break the cycle and persuade our government and defence industries to convert the skills and technology they possess to peaceful production for a sustainable future. Then we can defend our environment totally, not just militarily.

*Reprinted from Australian Peace Committee Newsletter, SA. (1994)*

### Fund Raising GARAGE SALE

7 DAVID ST  
GLENBROOK

Saturday, 4th June

8 am to 5 pm

Donations of bric-a-brac, tapes, books, furniture and odds and ends are needed. There was little left over from last years sale.

Please leave any donations on the garage bench if nobody home.

Telephone Aleen on 39 4079 if you have anything needing collection.

### NEWSLETTER CONTRIBUTIONS

*If you have articles, poems, letters, drawings, cartoons, anything, please send them in marked Attn: Editor, EcoNews.*

*All contributions welcomed with many thanks. We need your input and ideas..*



# BRIEFING SHEET

7 April 1994



NATIONAL PARKS  
ASSOCIATION OF NSW INC

PO Box A96 Sydney South NSW 2000  
Ph: (02) 264 7994 Fax: (02) 264 7160

## ***Bushfires and the Cabinet Committee Recommendations***

### **REVIEW OF RECOMMENDATIONS**

The National Parks Association of NSW (NPA) is committed to ensuring environmental concerns are addressed in any bushfire management strategy. Therefore, the NPA **cannot support** the package of 30 recommendations made by the Cabinet Committee on Bushfire Management and Control.

The recommendations do not constitute the most appropriate response to the January bushfires because firstly they may lead to the improper management of natural systems under the guise of bushfire hazard reduction, and secondly the secretive cabinet committee process has not justified the need nor the urgency for the implementation of the proposed changes.

NPA has identified some measures in the recommendations which it opposes and others it conditionally supports. The following brief comments should not be seen to endorse any of the cabinet committee's findings, but instead highlight the need for a more thorough and accountable process to determine the most appropriate response to bushfire management in NSW arising from the January fires. Already, it is apparent that land management agencies intend to expand hazard reduction activities in 1994, without any further legislation.

### **KEY POINTS FOR APPROPRIATE BUSHFIRE MANAGEMENT**

- ♦ Oppose any legislative changes prior to a thorough examination and consideration by the parliamentary select committee.
- ♦ Ensure that the parliamentary select committee is an open, accountable and well supported public forum for the thorough consideration of the recent bushfires and related issues. The committee should aim to produce well argued and timely recommendations to improve the management of bushfires in NSW in a way that does not degrade the environmental values of natural plant and animal communities.
- ♦ Await the outcomes of the coronial inquiry, unless there is a substantiated need to act quickly, before altering bushfire management practices or amending legislation.
- ♦ Accept bushfires as a natural part of the Australian environment, and address the risk they pose in an ecologically grounded manner.

### **OVERVIEW**

#### **General**

The NSW Cabinet has brought down 30 recommendations as part of a 50 page interim report, claiming to have acted quickly and decisively. Further consideration of bushfire management issues, especially of equipment, is foreshadowed. Yet the Government has failed to justify the case for the recommendations, or the need for their urgency. Without the evidence that was before Cabinet, namely the confidential submissions by 335 government departments and individuals to its committee on Bushfire Management and Control, the real reason for its recommendations are not apparent. The report also emphasises 'majority comment' of submissions without justification or identifying misinformation in any submission. An open and accountable inquiry with well argued findings is essential to satisfy the community on the best ways to address the need to protect the safety of the people and property of NSW and the state's unique natural environments. The Cabinet committee process to date is far from being publicly accountable. That is not to say that there are no problems with the existing system of fire management in NSW. Only when the facts can be presented will there be confidence that bushfire management in NSW will truly be improved. These facts must convincingly show the need for changes to existing government policy, funding, procedures or legislation; be it to the Bushfires Act, Environmental Planning and Assessment Act or Local Government Act etc.

Solid, factual and public evidence that justifies the case for change is needed. This requires determination of:

- ♦ the causes and behaviour of the January bushfires;
- ♦ shortfalls in the government and community response, both prior to, and during the fires;
- ♦ any changes to bushfire management that may be required;
- ♦ the urgency (with justification) for the implementation of these changes.

*(continued inside)*



### **Legislative Changes** (*Overview continued*)

The numbers in the Parliament at present dictate that any legislative amendments need more than the support of the Coalition. Labor has already expressed its willingness to act in an apolitical, and bipartisan fashion to formulate a response to the January emergency. The closed process of Cabinet which produced 30 recommendations does not act in this spirit, nor for the public's best interest. The now established Parliamentary Select Committee allows for a more open process, and offers the opportunity to consider the best bushfire management practices. The Coronial Inquiry, also a public process to investigate many of the bushfires and the resultant deaths, will be a separate and complementary forum, and an opportunity for a thorough investigation of the major bushfires, property loss and deaths as a result of the bushfires. Those of the 30 recommendations that involve legislative changes should not immediately come to bear, but be placed before the up-coming parliamentary committee for their consideration.

#### **The Cabinet Committee Process**

The Cabinet Committee is a highly political process. With a majority of representation by National Party members, this is unrepresentative of the make-up of the Coalition and the location of the major bushfire threats. This, coupled with the secrecy and confidentiality of the process, does not provide a publicly accountable forum for a debate of the issues.

Until the 335 submissions made to the Cabinet Committee on Bushfire Management and Control are publicly released, the public will be unable to judge whether to support any of the committee's 30 Cabinet recommendations. This closed and secretive process raises question about the validity and intent of the findings.

#### **Parliamentary Select Committee**

On 17 March, a Parliamentary Select Committee was established to inquire into the recent bushfires. The members of the committee will be: Liberal/Coalition - Andrew Tink (Lib), Russell Smith (Lib), John Turner (NP), Bill Rixon (NP) and Chairperson Peter Cochran (NP); Labor - Peter Anderson, Bryce Gaudry, Faye LoPo and Ian McManus; and one undetermined independent.

The high proportion of National Party representation and the choice of Chairperson is of great concern. The Coalition may need to review whether this is reasonable.

It is hoped the select committee provides the opportunity to review bushfire management in NSW with particular reference to the recent bushfires, and proposed legislative and administrative changes, as part of an open and accountable process.

## **DETAILED REVIEW OF RECOMMENDATIONS**

### **Fire Management Plans**

The compulsory preparation of Section 41A fire plans in all District Fire Committee areas is welcomed (Recommendations 3-10). The NPA has argued for many years for adequate plans to be prepared. These plans must consider environmental factors, identify areas of life and property significantly at risk and detail a fire management program based on local factors such as vegetation, climatic conditions and terrain. The community must be permitted input to the plan through a compulsory public consultation period, similar to national park plans of management or, to a lesser extent, Local Environment Plans.

Recognising that fire is an important tool for environmental management, as well as a tool for hazard reduction, fire management plans should make this distinction and incorporate bushfire management for environmental purposes as an integral part of the strategy. Where there is minimal hazard to structures, developed areas or life, burning should only be permitted for environmental purposes. Refer to 'Remote Area Fire Management' for more details.

Many District Fire Committees presently have either inadequate or no fire plans in place. This needs to be addressed, but will take a substantial period of time for these districts to prepare and implement suitable management plans. It is unlikely that most of the new or revised plans will be ready to be implemented before the forth-coming fire season, even if they were begun immediately.

It is inappropriate for the issuing of fire permits to be exempt from Part 5 of the Environmental Planning and Assessment Act. Part 5 requirements will be automatically met if any hazard reduction burning complies with an adequate Section 41A fire plan. Environmental legislation should not be seen as a hindrance to thorough and proper preparation of fire plans, rather it ensures fire management authorities act in a way that will not degrade the environment or foster a more fire prone situation. Hazard reduction activity which would not satisfy Part 5 should not be permitted.

### **Bush Fire Co-ordinating Committee and Bush Fire Council**

The expansion of the powerful Bush Fire Co-ordinating Committee to include three non-government representatives (Recommendation 28) from the Bush Fire Council will provide the opportunity for inappropriate burning practices to be implemented since the Committee would be open to potential stacking. The make-up of the Committee must remain the same, unless an environmental representative is added to an expanded committee. It must be mandatory for decisions made by the Committee to incorporate ecological concerns.

An environmental representative is presently not required on the Bush Fire Council. This should be rectified to ensure proper scrutiny of the council's decisions from an independent environmental viewpoint.



### **Remote Area Fire Management** (*Detailed Review of Recommendations continued*)

Ian Armstrong concluded his media release of 22 March with 'never again would there be an excessive build-up of ground fuel'. This implies that we should remove ground fuels in all areas. However, a return to broad area hazard reduction burning such as was conducted in the seventies will result in a significant alteration of natural systems at a huge cost and no guarantee of bushfire prevention. Fuel load reduction to minimise fire hazard is only necessary where a threat to life and property is identified, and should be confined primarily to the margin of bushland that is adjacent to property and highly developed areas.

Similarly, frequent burning is claimed to reduce fuel levels. However, in many cases it will increase fire risk, create the need to maintain regular and expensive 'hazard reduction burns' and in most cases, irreversibly alter the distribution and survival of plant and animal communities.

It is unclear whether broad area or frequent burning will be imposed as part of fire plans. With increased emphasis placed on the implementation of Section 41A fire plans, it needs to be established that the Bush Fire Co-ordinating Committee will adopt environmentally sound bushfire management practices, especially where there is no direct threat to people and property. For instance, existing or new reserve based fire plans prepared by National Parks and Wildlife Service should be incorporated unchanged into Section 41A fire plans produced by District Fire Committees.

Any proliferation of fire trails (Recommendations 11-13) into environmentally important and sensitive lands is likely to cause degradation through:

- ♦ weed invasion
- ♦ feral animal intrusion
- ♦ arsonist and other unauthorised access
- ♦ soil erosion
- ♦ alteration of water drainage patterns

A review of the existing fire trail system in the state, in consultation with environmental groups, is needed. This will identify the appropriate siting of fire trails, any excessive degradation and whether trails are necessary or appropriate, particularly from an environmental viewpoint. Many fire trails may need to be closed permanently and rehabilitated.

It is unclear how the proposed review will consider the interests of existing recreational vehicle use. Where a fire trail is currently open to the public, it may be necessary to restrict this access.

Any attempt to curb the illegal use of fire trails by raising the penalty for unauthorised entry is supported, since arson is a primary cause of bushfire outbreaks. However, the fines do not go far enough to solve the problem. Patrols should be increased, more gates and barriers erected, fines enforced and the social factors that motivate people to deliberately light fires investigated.

### **Tree Preservation Orders**

The present restrictions on the removal of trees do not preclude the removal of trees which are dangerous and a fire hazard. Thus any alteration to tree preservation orders is unnecessary (Recommendation 17). Clarification of bushfire hazard being a legitimate reason to remove trees is not opposed.

The changes proposed by Cabinet regarding protection from prosecution for tree removers will open up the potential for abuse by tree haters. This is because the onus of proof that a removed tree was **not** a bushfire hazard is proposed to be placed on the Council. Property owners should conduct bushfire hazard reduction involving removal of trees protected by Tree Preservation Orders only after approval from local council. The onus of proof of a tree being a fire hazard should lie with the tree owner, as currently exists, otherwise a 'chop now, argue later' mentality will be fostered in urban bushland areas.

### **Building Codes**

The need for a minimum standard for building in fire prone areas (Recommendation 18) is long overdue. Construction or renovation of housing that does not minimise its flammability in high bushfire risk areas should not be permitted.

### **Planning Regulations**

Subdivision, development and planning practices that could reduce initial exposure to bushfire risk are welcomed, but are not strong enough (Recommendations 19 and 20). Many subdivisions in the past have been designed to maximise the number of properties available for sale, placing properties adjacent to hazardous fire-prone slopes, while avoiding the need for perimeter roads. The no development option needs to be mandated in many circumstances. Existing fire prone areas may need special rezoning to reflect their bushfire risk similar to other areas subject to flood risk.

### **Consideration of Ecological Factors**

The importance of fires for managing ecological systems and the impacts of the incorrect fire management strategy have not been addressed by Cabinet. The effect on ecological systems must be considered and adverse environmental impacts minimised in all aspects of planning, implementing and evaluating fire management strategies. It is unclear how or whether this will be done adequately by Section 41A fire plans, since these are primarily bushfire hazard reduction plans, and do not incorporate the use of fire for the management of ecological systems.

## **FURTHER INFORMATION**

For more information on bushfire management in natural areas, NPA's views on recent developments relating to bushfires, or a copy of a one page brochure *Burning Questions: are the greenies to blame for the bushfires?*, contact **National Parks Association of NSW** on (02) 264 7994, or Fax (02) 264 7160.



## BRIEF ANALYSIS OF THE CABINET COMMITTEE RECOMMENDATIONS

### NPA Opposes -

- ◆ Section 41A fire plan preparation not involving a compulsory period of public exhibition and consultation or compulsory consideration of environmental impacts [Cabinet recommendation No. 3].
- ◆ Bush Fire Services being empowered to carry out hazard reduction work under Section 41A fire plans (in their present form) where owners, occupiers, council and public authorities fail to [Recs 8, 9]. This will weaken the responsibility of National Parks and Wildlife Service (NPWS) in managing their lands.
- ◆ Exemption from Part 5 of Environmental Planning and Assessment Act of the issuing of Section 10 fire permits (permits issued to conduct hazard reduction burns during fire danger periods). These permits are not required to conform to Section 41A fire plans [Rec 14].
- ◆ Onus of proof for removing trees 'regarded' to be a fire hazard and protected by Tree Preservation Orders being transferred to councils, rather than the property owners. Owners should not be given the discretion to remove trees [Rec 17].
- ◆ Expansion of Bush Fire Co-ordinating Committee to include three non-government representatives without any mandatory environmental representation. The Co-ordinating Committee should be required to incorporate ecological concerns [Rec 28].

### NPA Conditionally Supports -

#### Qualified by provision that:

- ◆ Many of the identified recommendations fail to be as far reaching or comprehensive as they should be.
  - ◆ District Fire Committees and the Co-ordinating Committee must be provided access to the required ecological expertise.
  - ◆ All Fire Plans must consider environmental impacts and the role of fire in environmental management and satisfy the EP&A Act Part 5.
- ◆ Establishment of District Fire Committees in fire prone areas where none previously existed [Rec 1].
  - ◆ Requirement for all District Fire Committees to prepare adequate and current Section 41A fire plans [Recs 3, 4].
  - ◆ Establishment of model provisions for Section 41A fire plans, which include minimisation of environmental damage [Rec 5].
  - ◆ Increase in the penalty for prohibited use of fire trails (recognising that this will not solve the problem) [Rec 12].
  - ◆ Development and adoption of minimum building standards in fire prone areas [Rec 18].
  - ◆ Bushfire hazard to be considered for all aspects of subdivision and accepted as a reason for refusal and/or amendment to proposals [Rec 19].
  - ◆ 'Planning for Bush Fire Protection' guidelines to be part of compulsory consideration of development application by consent authority and Local Environment Plan preparation [Recs 20, 21]

### Omissions -

- ◆ No attempt to adequately address arson and other illegal causes of fires as an issue, despite being a major cause of bushfires.
- ◆ Failure to consider the important role fire plays in the environmental management of bushland. This role should inter alia be incorporated into Section 41A fire plans.
- ◆ Lack of consideration of the environmental impacts of fire management and control strategies and means of minimising these impacts.
- ◆ Failure to consider unnatural sources of hazardous fuels eg. rubbish, especially in urban bushland areas.
- ◆ Lack of focus on fire management issues in high hazard areas, such as the city/bushland interface, eg. Como and Jannali.
- ◆ No review of existing developments and zonings in bushfire prone areas.
- ◆ Lack of clarity over whether existing and future NPWS reserve based fire plans will be incorporated into Section 41A fire plans. The objectives of other agencies should also be incorporated into the fire plans.
- ◆ No provision of appeal rights for property owners or occupiers issued Section 13 permits or failing to implement Section 41A fire plans.
- ◆ Lack of ecological guidance provided to minister(s) in resolving a dispute under Section 41A (2B). The terms of reference for dispute resolution should include consideration of ecological factors.
- ◆ No provision for recurrent funding of fire management authorities, including NPWS, to prepare and implement Section 41A fire plans and carry out other fire management activities.
- ◆ An environmental representative must be required to be placed on the NSW Bush Fire Council (removed by Government in 1993).
- ◆ The role of community education in improving fire management is not addressed.