





Submission to the NSW Government Bushfire Inquiry

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About NSW Farmers

The NSW Farmers’ Association is Australia’s largest State farming organisation representing the interests of its farmer members.

Farmers across New South Wales produce more than \$15 billion worth of food and fibre every year, representing around one quarter of Australia’s total agricultural output. Our state’s unique geography means a wide variety of crops and livestock can be cultivated and nurtured.

Our regional branch network ensures local voices guide and shape our positions on issues which affect real people in real communities. Our focus is not just on issues affecting particular crops or animals – it extends to the environment, biosecurity, water, economics, trade and rural and regional affairs.

NSW Farmers is Australia’s only state-based farming organisation to represent the interests of farmers of all agricultural commodities – from avocados and tomatoes, apples, bananas and berries, through grains, pulses and lentils to oysters, cattle, dairy, goats, sheep, pigs and chickens.

We also have an eye on the future of agriculture; we are advocates for innovation in agriculture, striving to give our members access to the latest and greatest innovations in research, development and extension opportunities.

Overview

NSW Farmers members were active in the response to the bushfires that spread across much of eastern NSW 'starting in the northern areas in September 2019 and spreading to the Southern areas into January 2020. Our members are variously engaged as volunteers of the NSW Rural Fire Service including in local leadership roles as Brigade captains, as members of local Bushfire Management Committees, and as local volunteers as and when fire threatens.

The 2019-20 fires have been described as catastrophic and unprecedented. The fires indiscriminately damaged farming land, natural bushland and residential communities. As a result of the bush fires that burnt across NSW from September 2019 to January 2020 the following impacts were experienced by the Agriculture sector:

- Over 600,00 hectares of pasture was destroyed;
- 13,812 animals (cattle/sheep) were deceased or euthanized;
- Over 88,000 kilometres of fencing was destroyed – 50% of which adjoined public land
- 15,994 land-based primary producers were impacted and assessed by the NSW Departments of Primary Industries and Local Land Services;
- 187.5 hectares of apple orchards were fire impacted resulting in loss of trees, protective netting and water storage and management;
- Horticulturalists lost poly-tunnels and water systems;
- 9,809 bee hives were destroyed and an additional 90,824 were smoke affected;
- Sheds, plants and machinery was destroyed
- Oyster farmers were unable to harvest

Many farmers across NSW are active in fire management. Many are involved as volunteers with the Rural Fire Service, holding positions as Brigade Captains and NSW Farmers are identified representatives on local RFS Bush Fire Management Committees.

Most, if not all primary producers will have access to mobile water tankers and mobile tanks, a requirement if they are grain growers, and if not RFS Volunteers will have the will and capacity to contribute to firefighting activities and by use of their on-farm plant and equipment will have the capacity to support management, including through maintenance of fire trails and during fire events, construct fire breaks. Additionally water from on-farm dams were provided to aid the local fire-fighting efforts. As the fires occurred after a significant dry period, water was a premium.

However, the following have been raised with the Association both during and following the fires:

- inability to add their water resources to aid the local management strategies by the RFS;
- frustration at what many consider a lack of acknowledgement and use of, local knowledge of conditions and vegetation;
- lack of the farmer's authority in fire management, in consultation with the RFS on their country, and frustration with what many considered to be a lack of responsiveness in identifying opportunities for proactive fire management strategies and resource deployment at a local rather than an area command level.

The causes of and factors contributing the 2019/20 bush fire season

After a prolonged period of hot and dry conditions that resulted in over 95 per cent of NSW identified as being drought affected or in severe drought for a prolonged period, in some areas for longer than 5 years, vegetation in National Parks and State Forests was heavy, was drying out, and water reserves in dams on land adjoining Crown Lands were severely diminished.

These climate conditions also meant that vegetation management strategies, including back-burning to reduce fuel loads in national parks and forested areas were curtailed. Traditional back-burning activities were put on hold and grasses were dry and no, or minimal action, was undertaken to slash and remove, including on road sides.

Hot drying winds from the inland further added to the drying of vegetation and dam evaporation.

NSW Farmers is also concerned that hazard reduction management, including effective management of leaf litter and understory growth had been restricted due to either weather conditions over the long-term, or changes to vegetation management in National Parks and State Forests over time. One consideration is that a variety of management practices were not undertaken to complement traditional practice of pre-fire season control burning.

Preparation and planning by agencies, government, other entities and the community

NSW Farmers is concerned that there is a lack of clarity regarding responsibilities for vegetation management across government agencies; no minimum or consistent standards for coordinated action or comprehensive reporting; and a lack of transparency in the setting of key annual or rotational vegetation management practice for Crown Lands.

We therefore recommend the following needs to be enacted as a matter of urgency to ensure effective hazard reduction and vegetation control:

- a. a no borders approach to bushfire management across all land tenures and types in regional NSW.
- b. the NSW Government establish a readily available, independent public register, listing planned and actual hazard reduction burning, ecological burning, seasonal fuel load assessments and fire trail maintenance undertaken across public lands in NSW. The register should be established and run through the office of the Auditor General;
- c. increase the level of hazard reduction and management undertaken in NPWS and State Forest controlled land. This would include:
 - i. the cool burning of unused land areas
 - ii. adequate resourcing for ongoing maintenance of all roads and fire trails
 - iii. adequate and ongoing training for bushfire management in conjunction with the Rural Fire Service and adjoining landholders.

- d. expand broad scale, burning regimes across the landscape, to achieve the reduction of fuel load across broad areas, over a regular cycle as a cost effective tool for reducing the severity and spread of bushfires.
- e. develop a simplified planning and approval process to facilitate patchwork burning across private landholdings in NSW (current Land Management Zones). The Association, in conjunction with the RFS, and key stakeholders, develop and facilitate the implementation of a pilot program to establish such a framework across the State.
- f. bush fire plans for National Parks and State Forests be made in consultation with local group captains, captains, neighbouring land holders and appropriate shires
- g. buffer zones be established and within the boundary of all Crown Lands and an accountable improvement in the levels of maintenance of strategic fire trials, including turning bays of at least 12m.
- h. re-introduce sustainable grazing as a primary method of hazard reduction for Crown Land, including within selected areas of National Parks, under the following conditions:
 - i. limited to landholders breeding cows;
 - ii. set a maximum of 100 head per landholder: and
 - iii. require that the stock be accompanied by the owner or the agent

Additionally NSW Farmers considers it critical that public land agencies, particularly with regard to National parks, undertake increased fire management activities including more regular/frequent hazard reduction burns over a wider area, installation of dams and water infrastructure on site, more internal firebreaks and, amend legislation to require replenishment of water if taken from private property at any time during a fire response.

We also consider that bushfire risk management plans across the state adopt and apply best practice guidelines including:

- a. boundary fire breaks to be set at an agreed width each side of boundary fences;
- b. registered fire trails to be 2x4x2 trails (4m of graded trail, 2m either side to be clear of timber or heavy scrub so that brigade trucks can pass or overtake);
- c. registered fire trails to have turning bays every 250 to 1000m;
- d. Hazard Reduction Burns to be carried out in a period of time that is identified by BFMC relevant agencies, Group Captains, Captains and Local Brigades;
- e. segregation of large areas of land into sections to manage fire control;
- f. identification and provision of suitable water storage in national parks and offset lands to supply firefighting trucks;
- g. identification of access points, gateways and cut fences by uniform LED lighting;
- h. bushfire risk management plans be updated regularly including the status of actions in the plan and be available to fire fighters when attending a fire in the area; and
- i. relevant boundary fences for properties in excess of 450ha can have vegetation removed to provide a corridor up to 60 metres.

The establishment of cleared areas that provide for maximum capacity to provide established fire breaks is critical. NSW farmers' considers that there is a need for a legislated 10 metre cleared area either side of an internal fence on farming land to protect both the fencing and the pasture in the

event of fire. For primary producers who adjoin public lands NSW farmers considers that, subject to the terrain and vegetation, a fire break of up to 200 metres be allowable to be cleared on private land. This would protect agricultural land from fires escaping from public land, and potentially stop any fires moving from private to public land.

It is estimated that over 88,000 kilometres of fencing was destroyed during the 2019/20 bushfires.

To replace fencing, conservatively it can be estimated that materials for 1 kilometre of post and wire rural fencing (5 strand of wire plus posts and strainers) costs \$5,000. This does not include labour costs which can be between \$60 per hour for a single fencer. This is usually used for internal fences and if exclusion fencing installed for boundaries, particularly when primary producers adjoin National Parks, Crown Land and/or State Forests, the cost is at least double. The cost of fencing materials alone will be in the millions.

NSW Farmers also raises concerns regarding hazard reduction in the State's National Parks. We note that under the National Parks and Wildlife Act (1974) that the objectives and content of plans of management (Part 5, Section 72AA) fire management is listed to be taken into consideration in the preparation of a plan of management for land reserved under the Act.

NSW Farmers is concerned that there appears to be no legislated requirement regarding minimum activity for hazard reduction; the reporting of decisions regarding hazard reduction management strategies; the strategy for National Parks and Wildlife personnel in fire management; or any requirement for coordination with RFS personnel/volunteers – or local landholders. Neither is there any regulation or subordinate legislation that would provide greater clarity and direction.

There are a variety of ways that hazard reduction may be undertaken and NSW Farmers considers that land holders adjoining national parks, public reserves and crown lands be represented on any (and all) management committees involved with managing pest animals and weeds, control burning, and maintenance of fire breaks and fire trails.

Response to bushfires particularly measures to control the spread, protect life, property and the environment

Immediate management including the issuing of public warnings

NSW Farmers considers there is a significant need to improve, simplify and standardise communication strategies. We recognise that fire has the potential to cut access to telecommunications. This was particularly evident for the fires in Southern NSW where electricity and telecommunications infrastructure were severely impacted.

NSW Farmers considers that all telecommunications towers are fitted with access to solar power generation to ensure continuity of service when electricity from the grid is destroyed. While many are connected to small scale diesel generators this type of back-up is limited by access.

NSW Farmers also notes the need for maximum communication to high population centres, however, the impact for the farming sector of poor communication and alerts can be devastating. Farmers with livestock will not evacuate as will those in residential communities.

An early warning that provides for a 'Livestock and Property Alert' to those primary producers that may be in the path of a fire is a critical addition to the current alerts system that must be enacted. While the path of fires can be erratic, an early alert aids with farm preparedness and would complement the RFS *Fires-Near-Me* app. This should also be extended to provide advice regarding ongoing road closures and interruptions to essential services, particularly electricity interruptions.

Such a system would need to also have the functionality to advise where a fire is not contained and could be exacerbated by forecast weather changes, and should enable localised advice to be generated by a local Brigade Captain or RFS.

NSW Farmers considers there is a strong case to have a uniform public information 'app'. The RFS *Fires-Near-Me* app was widely accessed during the bushfire season, but it only identified fires within NSW Government jurisdiction. Bushfires don't respect boundaries and with fires burning across land under Victorian Country Fire Authority management and country under the management of Rural Fire Service Queensland it was a challenge for those primary producers in border areas to get the most up-to-date information in a complementary manner.

NSW Farmers considers that it is critical that the RFS place an emphasis on containment and extinguishment at the initial stage of the fire rather than property protection. We recognise that there are multiple and diverse priority decisions in the management of fires, and that there were significant and diverse issues to be addressed during the recent fires. However, where property protection is prioritised there is potentially the loss of a critical window.

Our further concern is that 'asset protection tends to prioritise housing, not livestock or critical farming infrastructure. Farmers who lose stock and machinery also lose income for at least 12

months. Much of the farming assets lost during fires are often not insured. A strategy to recognise these production assets must be a priority.

Resourcing, Coordination and Deployment

Primary producers are good land managers. Their productivity, profitability and sustainability depends on it. However, NSW farmers is concerned that this depth of knowledge is not fully utilised in firefighting. The following are the critical issues that need to be addressed if the State's capacity to best attack and manage bush fires is to be the most effective it can be.

- a. Farmers hold firefighting assets to protect their own land. However, for a variety of reasons, including regulations (i.e. vehicle registrations) and associated insurance requirements, many of these assets are not utilised in RFS firefighting deployment decisions;
- b. While many farmers are actively engaged as RFS volunteers, this is not always the case. NSW does not have a policy for the engagement of private firefighting capability, meaning that engagement will be ad-hock across RFS zones, and therefore not recognised as a critical resource and not included in any out of season training that would lead to better fire ground coordination;
- c. There is a lack of clarity in the current NSW Rural Fires Act (1997) regarding the authority of a private land holder in fire management on private land and the transfer of authority to a nominated RFS Officer in charge. In fact the only reference to farmers in the current act is their liability for not managing a fire on private land;
- d. Loss of access to communication channels that allows for continuity of information and clarity of actions for all involved in firefighting. NSW Farmers understands that there are multiple options for radio communication and that use of these may, and often do, migrate over the course of managing a fire. Early and ongoing communication with local land holder s during fire management is critical due to their local knowledge of vegetation, topography and climate.

Acting on Coronial Inquiry Reports and Recommendations

NSW Parliamentary and Coronial Inquiries undertaken following the 2013 fire at the Wambelong Camp Ground, Warrumbungle National Park, and the 2017 'Flagview South' Sir Ivan Doherty Drive, Leadville have made multiple recommendations to improve a number of operational, engagement and communication strategies and practices to improve fire management. However NSW Farmers'.

With regard to the NSW Government response to the Wambelong Coronial Inquiry, NSW farmers notes that the majority of the 29 recommendation were supported, but there has been no real engagement with the community regarding the actual changes that have been put in place as a result of this support, and more importantly, what has been the impact and benefit.

The Coroner inquiring into the 'Flagview South' fire made 9 recommendations in October 2019, the majority of which related to improved community engagement and liaison – before, during and after significant bush fire events. NSW Farmers considers that the intent of the recommendations, if actioned and implemented by the RFS will be of significant benefit. For reference these recommendations are included in this response as follows:

To the Commissioner of the NSW Rural Fire Service I make the following recommendations:

- 1. That the NSW Rural Fire Service offer an information and engagement briefing with affected residents in the Dunedoo area (Castlereagh District) and Cassilis area (Liverpool Range District) to discuss the Coroner's findings and the agreed chronology annexed to those findings. This briefing is to be led by RFS personnel at the Assistant Commissioner/Manager Planning and Predictive Services level, and is to include anticipated changes in bushfire frequency and behaviour in those districts (including fire thunderstorm events), how landholders can access RFS information in advance about predicted conditions for local districts, and adaptive firefighting strategies in response to changes in bushfire frequency and behaviour.*
- 2. That the NSW Rural Fire Service consider providing farming communities with access to topographical maps and other relevant information held by the RFS to assist primary producers to prepare for fire preparedness.*
- 3. That the NSW Rural Fire Service reviews the Community Field Liaison Team Program to incorporate rural initiatives, information sharing and joint training opportunities targeted to the needs of particular RFS districts.*
- 4. That the NSW Rural Fire Service undertake a community engagement campaign (including information specifically targeted at farming communities) to reflect any revision of the Fire Danger Ratings system following the current review by the National Social Research Project. Such a campaign to include notice that in large fire events, the RFS cannot guarantee that every landholder will receive assistance from the RFS and such a campaign to be repeated (even in a modified form) prior to the start of each statutory bush fire danger period.*
- 5. That the NSW Rural Fire Service review its Building Impact and Damage Assessment Team process to increase the early detection of asbestos risk in fire damaged buildings and associated protocols to support landowners affected by fire and asbestos.*

To the Commissioner of the NSW Rural Fire Service and the NSW Farmers I make the following recommendations:

- 6. That the NSW Rural Fire Service and NSW Farmers consider a joint approach to the Bushfire and Natural Hazards Cooperative Research Centre (or similar organisation) to conduct social research into best developing a "shared responsibility" to hazard reduction, community engagement outside of bushfire season, information sharing around predictions for more extreme fire behaviour, and the delineation of decision making responsibilities on the fire ground when RFS and private vehicles respond to a fire.*
- 7. That the NSW Rural Fire Service, in consultation with NSW Farmers, extend and expand primary producer engagement strategies to include a focus on how private landholders within farming communities can work with the RFS, including a focus on information sharing outside of bushfire season, fire ground communication during a fire, fire ground management structure and firefighter safety.*
- 8. That NSW Rural Fire Service, in consultation with NSW Farmers, promote the use of the Rural Liaison Officer (RLO) within an Incident Management Team including information about the role of the RLO within the IMT, when a RLO is likely to be appointed, the likely experience of someone accredited as an RLO and locating the RLO on the fire ground.*
- 9. That the NSW Rural Fire Service and NSW Farmers collaborate to develop an engagement program for current NSW Farmers and future representatives serving on local and state level bush fire risk management committees, to ensure the views of farming communities are represented at regular meetings outside of fire season and during operational bush fire events.*

NSW Farmers considers that action to deliver against this most recent inquiry must commence as a matter of urgency and the Association stands ready to work with the RFS to ensure that these recommendations achieve positive change.

Coordination & collaboration by NSW Government, other state and territory Governments and local Government

NSW Farmers recognises the jurisdictional authority imbedded in the federated structure of Australian Governments. However, we consider that to complement state/territory fire management a national strategy must also be developed.

There were significant resources activated following the fire impacts as a result of National Disaster Agreements, and State activation of government departmental resources, including the Department of Primary Industries and NSW Local Land Services. Both provided vital emergency support for primary producers. Other NSW Government agencies, including NSW Health, the Rural Assistance Authority, and Service NSW also activated support.

However, there is no doubt that an agreed plan for escalation of support, including the deployment of Australian Defence Force personnel and equipment would have provided for improved processes for firefighting, vegetation clearing to establish fire breaks and access to more inaccessible or remote areas. An audit of potential capacity and capability to establish such an escalation plan is critical.

Such an activation plan for Local Government would also be of value. Across the LGAs impacted by the fires there was a significant difference in response and communication of plans for hazard removal. For example, in one Shire trees identified as hazardous were felled without prior engagement with the adjoining landholder and as a consequence fencing was damaged and the landholder advised they were responsible for the removal of the felled trees

While the 2019/2020 bushfires have been described as both catastrophic and unprecedented, we should not consider this to be a one-off event. NSW Farmers considers that improved escalation planning, strategies to activate additional resources, and a national rectification and recovery strategy must be developed as a priority.