

Mr David Owens APM

Professor Mary O'Kane AC

and members of the NSW Bushfire Inquiry

Please find my submission to the NSW Bushfire Inquiry overleaf. I hope you find my suggestions useful in deriving strategies to help us deal with bushfires and prevent the terrible damage and loss of life in the future.

It is time those in authority started taking advice from experienced fire fighters instead of beaurocrats and, recognised the damage the Australian bush will do to the community and the economy.

Please heed the warnings of Mr George Ronald Prior (my deceased father-in-law) and the many other experienced firefighters have given to Mr Scott Morrison (our Prime Minister) in 2019 and to the many royal commissions and inquiries since the "Ash Wednesday Bushfires".

Yours Sincerely,



Paul Gilligan

Overleaf

- Main submission

Attachments

- Attachment (A) Newspaper article from Daily Telegraph from Ron Prior (my Father-in-Law) an experienced fire fighter in 1980's warning of the perils of ignoring advice of experienced firefighters
- Attachment (B) Letter from Eurobdalla Shire Council responding to Paul Gilligan letters asking Council to "Get the Bulldozers Out)

From

Paul Gilligan
[REDACTED]

22 May 2020

Submission to NSW Bushfire Inquiry re areas Nelligen Batemans Bay Mogo and Moruya

Background

Before the bushfire on 31 December 2019 I lived at [REDACTED] which is part of the Eurobodalla Shire. My wife and I also owned the adjacent block [REDACTED] on which we had 3 old spare buses parked. The bus company we operate Priors Bus Service owned the adjacent block [REDACTED]. We were in the process of getting approval from the Eurobodalla Shire Council for a DA for this property for use as a bus depot.

The bushfire that savaged Mogo on 31 December 2019 destroyed our house as well as the 3 spare buses on [REDACTED].

I am making a submission to the inquiry as I had personal experience in dealing with the Eurobodalla Shire Council over our properties in Mogo. I was also a witness to the fire attacking the industrial area of Batemans Bay that morning and the experience left me concerned about the losses of lives and property that could have occurred on that day.

1. Causes of, and Factors

This bushfire commenced on 26 November 2019 with I understand three lightning strikes at Nelligen. The fire closest to Nelligen was quickly contained. However the remaining two bushfires were left I understand for a period and crossed the Clyde River after which they were out of control. The Canberra bushfire from the year 2003. was also left to burn and went out of control, causing major damage to the Woden suburbs.

Recommendation: Bushfires in high risk areas should be aggressively fought from the time they start. It is possible aggressive action (eg aerial bombing in the earliest stages may well have contained this fire).

2. Preparation and Planning

I was impressed by the actions of the Forestry Commission on NSW in the twelve months preceeding the 31 December 2019 bushfire that came through Mogo. Action was taken to reduce the density of forest on the northern end of the village of Mogo, continuing along Tomakin Road.

This clearing may have been in anticipation of another bushfire that came though from the west in the early 1990's at Runnyford Road went through the Botanical Gardens before being stopped at Surf Beach. The clearing by Forestry NSW saved many houses that fronted the Mogo Forest and Mogo/Tomakin Road from the New Years Eve bushfire.

Unfortunately this fire also came down the Princes Highway and into the northern end of Mogo. A number of shops and houses on both sides of the highway were destroyed . The fire also went through the forest to the west of Mogo coming through the main residential area of Mogo (again destroying a number of houses) before crossing the Princes Highway at the bridge near Mogo Primary and continuing through the thick forest behind the RFS Shedon the eastern side of the Princes Highway ; destroying our family home at [REDACTED] [REDACTED]. Three old buses were also destroyed on the vacant property next to our house ([REDACTED]).

Had tree clearing been undertaken on the western side of the Princes Highway from Mogo to Batemans Bay , major fire damage could have been avoided along the coast.

3. Responses to Bushfire

This bushfire originated at River Road in Nelligen on 1 December 2019. It continued on north through Currowan and also crept west towards the Clyde Mountain, before it crossed the Kings Highway and moved south along the Great Dividing Range. The fire was driven into Mogo and the industrial rear and surrounding suburbs on 31 December 2019 with a strong north -westerly wind.

The bushfire burned out of control for around 6 weeks extending as far south as the Victorian border and the Southern Highlands in the north- before being extinguished by two weeks of wet weather in January 2020.

Our response on the morning of 31 December 2019 was to vacate our home and proceed into the bus depot at 2 Hughes Street, Batemans Bay, where the bushfire was attacking buildings on both sides of the Princes Highway. On the eastern side " Beach House Stairs" caught alight and a fire tender supported by a RFS helicopter with waterbuck attempted to save the building (to no avail) over the next 24 hrs two adjacent buildings were also destroyed as the fire at Beach House Stairs could not fully extinguished.

Had the fire came through the gully 100 metres to the east of "Beach House Stairs" along Gregory Street it would most likely have taken out all of the houses along South and Pacific Streets and Bavarde Avenue. The Batemans Bay Hospital have also been under threat (and there would not have been any chance of evacuation the patients).

On the western side of the Princes Highway the bushfire took out about (5) five industrial complexes fronted the bushland that also came up to the industrial area.

There appeared to be numerous fire tenders fighting fires on that side of the Princes Highway. At one stage the roof of the nursery area of Bunning caught fire and a RFS helicopter with bucket (supported by a number of fire tenders) put the fire out.

4. Any Other Matters

Back burning alone is not the answer. Our properties and surrounding areas were backburned by RFS in 2016. A Nelligen property which was damaged by fire had been backburned by RFS in 2019

5. Preparation and Planning for future

Current strategies have not worked and it is time government became serious about protecting life and community including business - towns, industrial areas and major highways have to be protected from the bush to prevent the incredible damage uncontrolled bushfires cause.

6. Land use planning and management

Immediate action should be taken to remove the bush on the west and north-west of

- Nelligen
- Batemans Bay industrial area
- Mogo
- Shelley Road industrial area
- Yarragee Road industrial area;and
- along the western side of the Princes Highway between Mogo and Batemans Bay

The bushland along Hughes and Gregory Streets and Cranbrook Road in the Batemans Bay area should also be removed as well as bushland behind the Mogo fire shed and on the eastern and southern boundary of [REDACTED]

There is no excuse for bushland to be left growing up to the back of buildings on land controlled by Council.

7. Appropriate action to adapt to future bushfire risks

The Kings Highway and the Princes Highway should also have trees removed along both sides of the highway so that they will not be unnecessarily for lengthy periods with future bushfires.

Thank you for giving me the opportunity to provide a submission to the inquiry

Yours Faithfully,

Paul Gilligan

Attachments being forwarded separately

Our Ref: 4236980

29 April 2020

Paul Gilligan
CEO
Priors Bus Service
[REDACTED]

Dear Paul

Tree clearing Batemans Bay industrial area and Mogo

Thank you for your correspondence in early January to Mayor Innes, and your follow up email of 24 April 2020, regarding tree clearing in the Batemans Bay industrial area and Mogo.

Paul, the 2019-20 bushfire was a truly devastating event for our community. We are very sorry for the loss of your property and the impacts to yourself, your family and your business.

We apologise for the lateness of our response to your emails. Unfortunately, the Shire has been battling consecutive natural disasters for some months and we are now dealing with the COVID-19 impacts. Much of our work has been focused on re-establishing infrastructure and supporting bushfire recovery in our community and developing new ways of working to keep service delivery available to our community.

Thank you also for providing the newspaper excerpt where your father provides his point of view on fire management. Issues of appropriate fire mitigation should rightly be investigated and discussed. Council has made our own submission to the NSW Inquiry which can be found at the following link.

<https://www.esc.nsw.gov.au/inside-council/council/meetings/2020/march/ordinary-council-meeting-24-march-2020/Agenda-Public.PDF>

We have also submitted this to the Australian Government Royal Commission into National Disaster Arrangements. We will continue to work with the Commission and assist in their considerations.

We understand you would like to see removal of vegetation along Hughes Street and Gregory Street in Batemans Bay, and on your private property at Mogo.

For works on Council controlled lands, we work closely with the Rural Fire Service to prioritise fire mitigation activities such as slashing, grooming, tree work and/or hand clearing works. These works must be undertaken in accord with the NSW Rural Fire Service Bush Fire Environmental Assessment Code 2006. The following link is provided to the Code which is also publicly available on the RFS website.

https://www.rfs.nsw.gov.au/data/assets/pdf_file/0014/24332/Bush-Fire-Environmental-Assessment-Code.pdf

We continue to systematically inspect and treat the long length of urban bushland interface where Council has ownership of adjoining public reserve, Crown reserve under our control and Council freehold lands. This will include the reserves in the areas you have outlined here. We will raise a Customer Services Request on your behalf and have these reserves re-inspected.

In respect to lands under the control of other parties, the bushfire mitigation response is coordinated by the Rural Fire Service through the Eurobodalla Bushfire Risk Management Plan taking a non-tenure approach. Each agency and landowner is responsible for managing lands under their control in accord with that plan.

The plan is submitted by the RFS to the NSW Bushfire Coordinating Committee for approval. The current plan (2011) is available on the RFS website at the following link:

https://www.rfs.nsw.gov.au/data/assets/pdf_file/0017/2366/Eurobodalla-BFRMP.pdf

The EBFMC has reviewed and endorsed a new draft plan on 17 October 2019. The RFS submitted the new draft to the Bushfire Coordinating Committee in the second half of 2019. Further information in the draft plan can be obtained from the RFS.

We understand the frustrations in establishing appropriate mitigation asset protection zones around your property. As you know the NSW Government introduced the 10/50 rule as their solution to address the issue you are raising. We have included the link to information in this respect here for your convenience. This link also covered preparation, bushfire planning and a range of other matters to assist property owners minimize the risks from bushfire.

<https://www.rfs.nsw.gov.au/plan-and-prepare>

We encourage you to contact the RFS direct should you need any further information in this regard.

To support rebuilding efforts in the Shire, Council has advocated that the Biodiversity Conservation Act should be switched off for development replacing fire impacted development and where it is proposed to introduce an asset protection zone up to a level agreed in consultation with the Rural Fire Service eg clearing up to a BAL29 is exempt.

Council has also advocated for amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) and Local Government Regulations to facilitate:

- Demolition
- Replacing fire damaged or destroyed dwellings, commercial, industrial, sheds.
- Temporary Accommodation/Caravans
- Temporary Storage/Shipping Containers
- Exemption for approvals under s138 of the Roads Act and s68 of the Local Government Act for works ancillary to replacement development.

Council is pleased that these suggestions are being well received by the NSW Government with changes already made to the SEPP to facilitate demolition and temporary storage, along with changes drafted to the Local Government Regulations to address temporary accommodation and use of caravans. Further changes to address other issues raised are also being discussed.

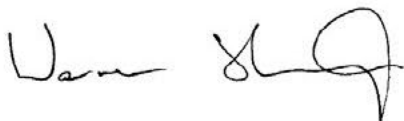
We acknowledge that building resilience in the community to facilitate the best outcome for fire preparedness is a multi-pronged approach, covering legislative reform, on-ground works including hazard reduction burning, and informed property preparation on behalf of landowners.

Paul, we understand this is a challenging time for our whole community, and in particular those directly impacted by the bushfires such as yourself.

We genuinely wish you the all the best in your rebuilding endeavours.

If you have further questions, please contact me directly on [REDACTED]

Yours sincerely



Warren Sharpe OAM
Director Infrastructure Services