

Submission details

I am making this submission as

A resident in a bushfire-affected area

Submission type

I am making a personal submission

Consent to make submission public

I would like this submission to remain anonymous

Share your experience or tell your story

Your story

I live at a property in Bawley Point NSW that is adjacent to a reserve and Sand Dune. I have made repeated requests to the local council to manage it and decrease the fuel load. They have done the following

1. deflected requests
2. Advised that it is natural flora and should be left alone
3. Advised that anybody else maintaining could face heavy fines and even be taken to court
4. Have not replied.

If it was not for Terry Snows property Willinga Park and the resources he provided plus the fantastic work of the rural fire service I am sure my property would have been significantly affected by the bush fire.

Terms of Reference (optional)

The Inquiry welcomes submissions that address the particular matters identified in its [Terms of Reference](#).

1.1 Causes and contributing factors

Excessive fuel load
Incompetent local council

1.2 Preparation and planning

Lack of due care by local council who have ideologically shown themselves to put their own environmental views ahead of the safety of the local residents

1.3 Response to bushfires

Actual fire fighting was superbly undertaken with the resources available.

It is my view that Mr Terry Snow should be commended for taking bush fire prevention into his own hands and apparently ignoring directions provided by a local council where he was told he could not touch various areas of vegetation on his property. By doing so he saved my property and his own.

1.4 Any other matters

Dear Shire Council

I own a residence at Bawley Point. Our village was among those that was seriously threatened by fire over multiple days last summer. The lives and property of residents and volunteer fire fighters were put at lethal risk, knowingly and recklessly by the Shoalhaven Council. The Shoalhaven Council has been grossly negligent for years in failing to maintain the safety and amenity of green spaces that it is responsible for managing.

The Council has ignored repeated requests by countless residents over years, to maintain green reserves and reduce dangerous fuel loads within suburban areas. Instead the Council has pursued an ideological agenda that has resulted in catastrophic harm, injury, deaths and massive property and economic loss. Attached is an example of just one prophetic submission made to the Council on 26 August 2019, prior to the tragic bushfires, warning you of the catastrophic fire risk facing the Community due to this negligence. Despite clear warning you failed to take any reasonable steps to reduce or mitigate this foreseeable fire tragedy.

It is absolutely disgusting to the Shire community that so soon after members of this Community have died, lost homes and livelihoods that you appear to have taken no actions to clean up the overgrown reserves and restore the original and appropriate fire risk rating to our suburban homes. Council has a moral and legal obligation to ensure reserves and green spaces are managed so that fire risk ratings for approved suburban developments do not increase over time due to Council neglect. It is sickening to learn the Council we fund has officers still pursuing the insanely dangerous green agenda of trying to overgrow public reserves and enshroud suburbs among unsafe trees. (Is Council so overstuffed this remains a priority even in the midst of a health pandemic?)

In the wake of the bushfire disaster in our Shire, the Community you serve are entitled to hear what actions are now to be taken. Could you please advise me on the following:

1. What specific steps will the Council now be taking to ensure our suburbs and community are never again put at such high risk from fire so unnecessarily?
2. What is Council doing to engage with the rate paying Community to ensure our expectations around fire safety are understood and met?
3. What processes and program will Council be putting in place to restore overgrown reserves and green spaces, permanently reduce fuel loads and reintroduce open buffers, remove and maintain vegetation and mow.
4. How will Council redirect its staff and other resources to reduce fire risk and improve fire preparedness in the Shire.
5. Will the Council be offering compensation to members of the Community for death, injury (including psychiatric) property loss and other losses resulting from Council's failure to take reasonable steps to mitigate fire risks in the Shire?
6. Who is the appropriate contact person in the Council to receive and process claims of compensation?

Yours faithfully



Supporting documents or images

Attach files

- BawleyTree policy.docx

Email: [REDACTED]

Copy: [REDACTED]

**Submission on the Draft Shoalhaven Tree and Vegetation Vandalism Prevention Policy
- Reference 61751E**

1. Waste of Council Resources and Ratepayers' Funds

Resident ratepayers are appalled that the Council has assigned significant resources to developing this draft policy proposal. The development of the draft policy has consumed substantial staff resources which should have been used to address the numerous more important issues facing the Shire. See Table 1.

The premise that 'vegetation vandalism' represents a major regulatory failure requiring this wasteful and bizarrely disproportionate policy response is without proper foundation. The apparent justification is a self-serving assertion that it is a growing problem with a few anecdotal images of pruned plants.

Long term residents and visitors can attest that the underlying premise is patently false based on direct observation of; reserves that are no longer adequately maintained by Council, the proliferation of weeds and listed noxious plants and constant vegetation encroachment in terms of area, density and height.

Council appears to have been captured by a small faction of misguided zealots that are driving an ill-informed, scientifically invalid, ideological agenda that all vegetation is sacred and must never be touched or managed in any way.

The Council has regrettably abrogated its responsibilities to maintain reserves and community spaces as cost cutting measures and has put in jeopardy the safety, property and amenity of the community.

2. Irrational and Divisive Policy Inconsistent with Good Government and Due Legal Process

The policy promotes an irrational and disproportionate response which is totally inconsistent with other policy responses. It proposes an arbitrary and excessive use of authority outside the judicial system which is likely to be unlawful. Rather than foster cooperation and work with the community, the proposal promotes dangerously divisive and accusatory strategies which incite a lynch mob mentality. This is totally irresponsible government which is likely to result in wrongful assumptions, false accusations and vigilante acts in the community. For example, to proffer a proposal that tree plantings should be based on a payback mentality is disgraceful. Will Council be dumping 3 dog poohs on the front lawn of every dog owner that fails to pick up one of theirs? Those who drop litter should have 3 lots of litter dumped on

their yard etc etc. Council should be embarrassed that its public officers have even revealed this type of infantile thinking in a public document.

The proposed accusatory signage is a further extraordinary waste of ratepayers' money which only results in another hazardous obstacle and making scenic sites ugly for everyone. This is completely self defeating in a draft policy supposed to be concerned about the value of scenic sites. The carbon emissions from the production of steel, aluminium and concrete to erect such signs makes a mockery of the apparent concern in the document to absorb carbon emissions. If Council wishes to pursue the use of signage to this idiotic level then it should place ugly metal signs on all sites where more prevalent offences are committed such as; littering/dumping, illegal camping, vandalism and graffiti, dog offences, drinking alcohol or smoking, vehicular damage. The letter drops are similarly wasteful, divisive and not supported.

There are numerous natural and anthropogenic causes for vegetation decline as well as the infestation of weeds and the proliferation of noxious or unsuitable species. The assumption that any vegetation decline is due to 'vandalism' is a significant and legally fraught determination that should not be left to the hands of inexperienced council officers or community activists with an agenda. Proper evidence collection by statutory investigators to the legal standard required by the courts is complex and costly. The policy ludicrously conceives that the 'motivation' for perceived vegetation vandalism could be determined somehow by council staff and they would decide potential punitive action - outside the legal justice system. This is extraordinary regulatory overreach which goes well beyond the statutory powers of council officers. The rate paying community do not want our Council to waste resources or incur costs in pursuit of this flawed policy proposal.

3. Poor Science and Lack of Supporting Evidence

The draft policy reflects poor science in promoting the misguided ideology that any vegetation that takes hold on Council reserves must be allowed to grow unfettered to its maximum potential. This is at odds with accepted land management practices which recognise that the proper management of vegetation is essential, even in relatively natural environments. National Parks and State Forests expend large sums each year actively managing vegetation as well as animal pests. The draft policy perpetuates myths and selectively cites scientific buzz words without understanding the concepts or undertaking proper quantitative analysis. For example:

Myth - All vegetation is wonderful

The draft policy fails to make the distinction that not all vegetation is wonderful. The right type, amount and scale of vegetation is critical to well managed green spaces. Council's mismanaged reserves are overrun by invasive and noxious plants as well as damaging woody weeds. In one example reserve, within 50 metres rubber vine, asparagus fern, blackberry, yucca, candelabra aloe, pelargonium/geranium, tea tree, casuarina, pittosporum all grow unfettered along with countless rabbits. The rabbits cause enormous damage to the foredune and make it quite hazardous to walk on the reserve. There have been numerous sprained ankles from rabbit disturbances. The rabbits also attract foxes and feral cats not far from the critically endangered hooded plover nesting area. Council is in breach of the law by failing to take reasonable measures to control listed noxious pests and should be doing this rather than pursuing this.

Myth - Vegetation dies (is damaged) if it is cut or pruned

Many plants thrive with heavy pruning and wind shear is one of the major natural causes of tree shaping and failure. Maintaining vegetation through correct pruning and shaping does not kill it, it makes it grow stronger and more vigorously. Hedges are a perfect demonstration that vegetation can be maintained and shaped to stay below a certain height for decades.

Myth - Woody weeds and trees are good at combating coastal erosion in the foredune

The draft policy indoctrinates the idea that big trees are best. Taller trees and woody weeds are in fact extremely poor at resisting wave action and storm inundation because their root to shoot ratio or below/above ground ratio is very low. Footage of storm damage and tsunami events amply shows how poor trees are at resisting inundation and wave action as they are easily knocked over by the force of water to then become lethal battering rams smashing everything in their path. Long rooted low profile plants and densely thatched grasses bind the soil and provide little surface area and leveraged mass for water forces to act upon, with the result moving water passes over with little impact. Scientifically informed councils in Australia and other countries are propagating long rooted running grasses and low above ground plants in susceptible areas and not trees and taller plants.

Myth – Carbon sequestering benefits

The fashionable expression ‘carbon sequestering’ is thrown in with the suggestion that the policy makes a meaningful contribution to greenhouse gas reduction. This is a totally false assertion. All vegetation including grasses, contribute to the CO₂ cycle and carbon is sequestered in biomass even if it is no longer living. (There is also some transfer of carbon into soil through organic decomposition). The unquantified instances of ‘vegetation vandalism’ have not been modelled for lost CO₂ absorption but it is likely nil or positive. Heavy pruning of plants and grasses promotes more rapid new growth which actually has higher CO₂ uptake than old foilage. Taller plants and trees do not necessarily absorb more CO₂ than low lying plants. In fact, microalgae and fast growing grasses have among the highest photosynthesis rates.

Myth - Vegetation that can grow there should grow there

Just because vegetation can grow does not mean it should. The fact that self sown vegetation can take root does not mean it is desirable. The failure to manage reserves has resulted in numerous areas being overrun with invasive noxious weeds and unnatural monocultures of woody weeds such casuarina, tea tree, pittosporum. These areas choked with invasive weeds are not desirable ‘natural’ outcomes. They have been allowed to gain hold and flourish usually because human impact (eg land disturbance, extra watershed, excess nutrients) has altered the conditions to favour them and counter controls have been inadequate. Plant monocultures are not diverse habitats and they support little in the way of wildlife. They take over habitats such as kangaroo/wallaby grazing meadows.

Myth – vegetation in reserves is returning to its optimum ‘natural’ state

Vegetation is constantly living, dying, competing and regenerating. The draft policy hasn’t identified any plants that are in danger of extinction. Old photographs show many areas are more heavily vegetated now than 50 years ago and more. Prior to white settlement indigenous Australians living in the region were prolific users of fire for heat and cooking and for clearing spaces for free movement, hunting and promoting grassland. In urban areas there are significant human factors which influence the need to plan and manage vegetation to be compatible with the land use and the inhabitants. This does not mean no vegetation - it means the appropriate vegetation must be cultivated and managed.

It is frightening that the draft policy audaciously suggests that Council (presumably the authors of this paper) will educate the community about the management of vegetation.

4. Catastrophic Fire Risk

The draft policy fails to acknowledge the fundamental factor of fire threat in Australia. Numerous recent instances of fires in coastal areas (eg Tathra, Great Ocean Road, Greece, California) should remind Council of the serious danger fire poses to human life and property. Council has failed to maintain its urban reserves and allowed combustible vegetation to grow to unsafe levels creating a catastrophic fire risk in numerous residential areas. Existing residences built to comply with the applicable fire risk rating no longer comply with the current fire risk rating because Council has neglected its responsibility to maintain reserves and mow adequate buffers. This short term cost cutting has been misrepresented to the community as environmental sensitivity however it is a false economy with obvious lethal implications. Dense vegetation and larger trees create massive fuel loads and in the event of fire burn longer, hotter and spread more rapidly by launching embers along the canopy.

5. Pretending Urban Areas Are Not Developed

Council is neglecting its own ratepayers and placing the wider community at risk by pandering to activists that seem to want to pretend urban development has not occurred. 'I don't want to be able see the houses' is often cited as justification for not managing vegetation. Council has already approved and developed urban areas for the community to live safely and comfortably. Urban areas are not wilderness areas, national parks or state forests. Fortunately, the Shire does also have plenty of undeveloped areas for people to enjoy but it is unsound to compromise the developed human habitat by pretending it isn't there. The Council has a duty of care to ensure the built human environment that they have approved is maintained in a safe and suitable condition.

6. Vistas, Including Water Views and Vantage Points, Should be Maintained by the Council Not Deliberately Obscured

Tourists, visitors and residents in the Shire enjoy scenic views be it ocean, lakes, rivers or mountains. Council promotes the Shire as a tourist destination extensively featuring such views. Many people enjoy scenic drives and tourism thrives in regions with famous scenic routes such as the Great Ocean Road. When people drive to check surf conditions and their views are obscured by overgrown vegetation they actually cause more damage to the verge and area driving further off the road or carpark area to try to get a view. Where possible, people like to be able to see big views from their homes, accommodation camp sites and picnic spots. Hotel rooms with good views charge more and the Council certainly charges higher rates for land with water views. The concerning culture of the authors of the draft policy is revealed when they characterise these economic realities as 'greed' despite their own employer engaging in this conduct and paying their generous salaries from it. Even though there should be nothing wrong with this, the policy encourages resentment for the reality that most people want to enjoy views, some open green spaces and reasonable access to attractive sites.

In many cases Council has failed to fulfil its own commitments to maintain reserves so that the height of vegetation does not exceed 1.2 metres to maintain amenity and safety. Council needs to honour these undertakings.

7. Older and Mobility Impaired People are Being Denied Vistas and Suitable Access

The policy seems to be written by people with little insight or concern for older people and those with mobility limitations. The policy serves only the interests of a narrow demographic of able-bodied activists that think everyone should be up for a good bush bash. Many people are not capable of struggling through overgrown vegetation, over uneven rabbit burrowed ground to enjoy a view. They would like to be able to drive somewhere along a foreshore, park and enjoy the view while reading a book or listening to the radio in or near their vehicle. In neglecting their reserves Council is neglecting these Australians.

8. Other Public Health Hazards

Other issues which seem to have been totally overlooked in the draft policy are significant human health risks which the Council has a responsibility to mitigate.

Falling trees and branches are a significant cause of power failure, bush fires, property damage, injury and death. Ironically a single tree failure can cause enormous environmental damage, including the destruction of many more trees. This in turn drives up insurance premiums for the community at large. Larger trees in urban reserves with poor soil structure are often very dangerous and they should be removed or replaced with different vegetation in consultation with the affected residents. The authors of this draft policy should be rotated through the various emergency services during high wind events and their aftermath. They would clearly benefit from dealing with the consequences of hundreds of tree failures and gain some valuable hands on experience.

The proliferation of unmanaged and overhanging vegetation in reserves has promoted the spread of ticks. People and their pets merely walking on reserves and access tracks are increasingly getting tick bites. Ticks are responsible for a number of serious diseases. <https://www1.health.gov.au/internet/main/publishing.nsf/Content/ohp-tick-bite-prevention.htm>

Overgrown reserves can also provide suitable conditions for mosquitoes to proliferate. Mosquitoes are a serious human health threat which is required to be managed by local councils.

9. Recommendations

1. This draft policy be abandoned by Council.
2. Council should maintain its parks and reserves properly including the control of animal pests and vegetation so that safety and visual amenity, including views are not obscured.

3. Council should seek to work cooperatively with the ratepaying community that funds it.
4. The Council review the competence and culture of the line managers and team that developed and authorised the publication of this draft policy.
5. It is recommended that the team that produced this draft policy be redeployed to usefully work on other priorities listed in Table 1 below.

Table 1
Effective rubbish and recycling of Shire waste especially plastics
Effective and efficient sewage and septic systems treatment
Fire risk reduction on council/community lands
Weed and noxious plant control
Dog related complaints/problems
Pest control especially rabbit, fox, feral cat, Indian mynah bird control
Illegal dumping
Illegal camping and associated human excrement/rubbish
Control of ticks, mosquito and parasites with human health implications
Maintenance of streets, boat ramps and stormwater infrastructure
Maintenance of parks and reserves including visual amenity
Smoking bans and butt littering
Critically endangered species support
Tourism promotion