

# **General Purpose Standing Committee No. 5**

## **Inquiry into Wambelong Fire**

### **Supplementary questions: National Parks and Wildlife Service and Office of Environment and Heritage**

- 1. *It was mentioned the Landholder fencing agreement had been altered following feedback. Can you confirm the Agreement we have in the Government's submission is the correct form?***

Yes. The agreement submitted with the Government's submission, received by the Committee on 5 February 2014, reflects the changes made following feedback from landowners.

Shortly after the Government made its submission, an updated NPWS Boundary Fencing Policy was adopted. This includes a model agreement that is almost identical to the agreement that was submitted with the Government's submission. Copies of both agreements are attached (**Attachments A and B**).

- 2. *Can you provide the Committee with some comments around the use of this Agreement including:***

- a. *when the negotiations are undertaken;***
  - b. *does the landholder get advised;***
  - c. *is the Agreement final; and***
  - d. *is there any follow-up undertaken to ensure all parties are satisfied?***
- a. Under the NPWS Boundary Fencing Policy, negotiations between a landholder and NPWS can commence at any time. In the majority of cases, negotiations commence at the instigation of a park neighbour. Following the Wambelong Fire, NPWS used public recovery forums, newspaper advertising, and direct contact with neighbours to advise that fencing assistance was available.
  - b. If the negotiations between a park neighbour and NPWS reach a mutually acceptable outcome, NPWS will make a formal offer to the landholder. The offer consists of the fencing agreement and a cover letter.
  - c. While the agreement is final once it has been signed by both parties, NPWS can re-negotiate a fencing agreement if neighbour circumstances change.
  - d. NPWS inspects the new fence upon completion, and sometimes during construction depending on the size of the fencing project. If the neighbour cannot be present for the inspection they are advised of the outcome by NPWS.



**3. *Why were not all your resources thrown at the fire to extinguish it prior to the extreme fire conditions arriving on the day following the fire ignition?***

An NPWS staff member confirmed and formally reported the presence of the fire in the Wambelong Campground at 4:20 pm on Saturday 12 January 2013.

After being notified of the fire the NPWS regional manager began arranging resources to attend and manage the fire. At 4:22 pm the regional manager called the Rural Fire Service (RFS) Castlereagh Zone Operations Manager to request deployment of rural fire brigade crews to attend the fire. The regional manager also appointed an NPWS incident controller and began contacting NPWS staff to attend the fire.

After returning to the depot to acquire a firefighting appliance, the NPWS staff member who had earlier confirmed and reported the fire arrived back at the fire at 4:35 pm where he was joined by a rural fire brigade member and together they began fighting the fire.

At 4:35 pm the NPWS regional manager again called the RFS operations manager to request deployment of aircraft (fixed wing water bombers) which were located at Gunnedah Airport.

At 4:45 pm the NPWS incident controller commenced operations from the Coonabarabran NPWS office.

By 5:00 pm an NPWS Divisional Commander was directing firefighting activities at the fire ground. Fireground resources available at that time included seven NPWS staff and approximately three rural fire brigade Category 7 units and one rural fire brigade crew with a firefighting trailer. Additional rural fire brigade crews arrived between 5:00 pm and 6:00 pm.

By approximately 6:00 pm two fixed wing water bombers were operating at the fire, a helicopter was using a bucket to drop water on the fire, an RFS RART crew was operating on the ground, and the RFS Castlereagh Zone Operations Manager was in attendance.

Steep terrain and the size of the fire were the principle barriers to any extinguishment on Saturday 12 January 2013. Consultation between the NPWS Divisional Commander and rural fire brigade staff present at the fire led to a decision not to send fire fighters into the steep terrain to fight the fire overnight. This decision was made to ensure firefighter safety as falling trees and rolling rocks were assessed as significant safety risks.

Overnight the NPWS incident controllers used a fire spread prediction map prepared by RFS State Operations for the following day as the basis of a containment strategy adopted for Sunday 13 January 2013 that involved a backburn utilising the Northern Fire Trail.

Appropriate NPWS resources were allocated to this task, and rural fire brigade resources were also on hand on Sunday 13 January 2013 to support the backburn and patrol other sections of the fire. NPWS had also requested air resources the previous evening to be available for Sunday morning. Heavy plant was also operating on containment lines during the morning.

Ultimately the fire broke its containment lines well away from where the backburn was being undertaken and in a location not foreshadowed by the fire spread prediction map.

**4. *What fire equipment and manpower resources were available at that time to extinguish the fire?***

See answer to Question 3.



**5. Given the forecast weather conditions predicted for the next day why was not the fire ground under full watch until extinguished?**

During the period NPWS was in control of the fire, firefighters were in attendance at the fireground at all times.

**6. Was there signage at the entrance to the Warrumbungle National Park advising the park was closed, and when were they erected?**

Yes. Signs were erected by NPWS staff at both entrances to Warrumbungle National Park on John Renshaw Parkway on the evening of 7 January 2013. These signs were replaced by NPWS staff on 11 January 2013 by larger signs, at the same locations. A "Track closed" sign was also erected by NPWS staff at the head of the walking track near Camp Wambelong on 2 January 2013.

A map showing the location of park closed signage in place at 11 January 2013 is included as **Attachment C**.

**7. Where were the signs located and what dimensions were they?**

On 7 January 2013, laminated A3 signs (measuring 300 mm x 420 mm) were placed across the permanent park entry signs at:

- each end of the John Renshaw Parkway, the two main public entrances to the Park, and
- the Dooranbah road entrance to Gunneemooroo Camp near Tooraweenah, the only other public entrance to the park.

Similar signs were also fixed to vehicle barrier boards and located across all park entry points off John Renshaw Parkway.

On Friday 11 January 2013, an additional large format sign was installed on the outskirts of Coonabarabran on the John Renshaw Parkway. This sign was laminated and measured 980 mm x 530 mm. Also on 11 January, the signs located at each end of the John Renshaw Parkway were replaced with laminated signs measuring 1000 mm x 400 mm, and the sign at Dooranbah Rd was replaced by a larger sign measuring 980 mm x 530 mm.

All signs were checked each day between 8-12 January 2013.

Photos of the signs are attached (**Attachments D and E**).

**8. What are the industrial agreements for National Parks and Wildlife Service staff during fire fighting activities, both prior to and post Section 44 declarations?**

The industrial agreements for National Parks and Wildlife Service staff are the same for both before and after a section 44 declaration. These include:

- Crown Employees (Office of Environment and Heritage - Parks and Wildlife Group) Field Officers and Skilled Trades Salaries and Conditions Award 2012; or



- *Crown Employees (Office of Environment and Heritage - Parks and Wildlife) Conditions of Employment Award 2012.*

**9. How have the impacts of climate change, such as that fires will become more frequent and intense, been incorporated in plans of management for parks and bush fire management strategies in general?**

**Plans of management for parks**

Plans of management for parks now recognise that climate change is likely to have impacts on the natural values and infrastructure of national parks. Since 2007, plans of management are being prepared with the following statement about climate change (references to bushfires are highlighted):

Anthropogenic climate change has been listed as a key threatening process under the *Threatened Species Conservation Act 1995*. Projections of future changes in climate for NSW include higher temperatures, increasing sea levels and water temperatures, more intense but possibly reduced annual average rainfall, increased temperature extremes and higher evaporative demand. **These changes are likely to lead to greater intensity and frequency of fires, more severe droughts**, reduced river runoff and water availability, regional flooding, increased erosion and ocean acidification.

Climate change may significantly affect biodiversity by changing population size and distribution of species, modifying species composition, and altering the geographical extent of habitats and ecosystems. The potential impact of climate change is difficult to assess since it depends on the compounding effects of other pressures, particularly barriers to migration and pressure from feral animals. Species most at risk are those unable to migrate or adapt, particularly those with small population sizes or with slow growth rates.

**Programs to reduce the pressures arising from other threats, such as habitat fragmentation, invasive species, bushfires and pollution, will help reduce the severity of the effects of climate change.**

**Reserve fire management strategies**

The NPWS *Living with Fire Strategy 2012-2021* identifies climate change as one of the three main challenges for fire management in NSW national parks. The strategy acknowledges that the incidence and severity of wildfires is likely to significantly increase in most bushland and rangeland areas as a result of climate change.

As part of the challenge of addressing climate change, reserve fire management strategies (RFMSs) include actions for protecting life and property as well as actions for conservation management. Actions in RFMSs for increased hazard reduction are being met through the Enhanced Bushfire Management Program (EBMP), a \$62.5 million program over 2011-16.

The EBMP provides additional resources, including an additional 90 fire fighters, to deliver the increase in hazard reduction required in RFMSs. Other extra resources include six new dedicated rapid response firefighting teams, and two additional helicopters to be on standby in national parks in the most fire prone parts of NSW during the bushfire danger season.

Under the EBMP, NPWS aims to double its hazard reduction treatment of national parks to 135,000 hectares per year over a five year rolling average by 2016.

The Office of Environment and Heritage (OEH) also supports bushfire research through:

- a specialist Bushfire Ecology Unit in OEH's Scientific Services Division that investigates the ecological and environmental impacts of bushfires
- financial support in partnership with RFS for the Centre for Environmental Risk Management of Bushfires at the University of Wollongong
- as a stakeholder and member of the Bushfire Cooperative Research Centre



- cooperative projects with, and logistical support to, universities and other institutions undertaking bushfire-related research.

The effects of climate change on bushfire regimes and biodiversity is one of OEH's key research priorities.

NPWS utilises the results of bushfire research as part of its process of continual improvement in fire management.

***10. What other factors, other than the predictive model provided by the Rural Fire Service on the evening of 12th January 2013, did the National Parks and Wildlife Service consider in determining actions that night?***

Other factors considered included:

- Resource availability – the decision to send NPWS crews home overnight was a deliberate decision made in preparation for the likely significant effort required the following day, of which the NPWS crews would be required to play a key role
- Firefighter safety
- Steepness of the terrain
- Inaccessibility of much of the fireground
- Size of the fireground and current and anticipated perimeter of fireground
- Forecast weather conditions
- Field observations (weather and fire) from NPWS and rural fire brigade crews
- Views of Warrumbungles Rural Fire Brigade Captain (who supported both the overnight strategy and the proposed backburn on the following day).

***11. Could you please provide your view on the adequacy of fuel reduction, fire trails and fire breaks in the Warrumbungle National Park and surrounding areas prior to the fire?***

**Fuel reduction**

Since 1981 NPWS has undertaken 60 separate hazard reduction burns in Warrumbungle National Park ranging from one hectare to 800 hectares. In the period 2000-2012 approximately 2,600 hectares were hazard reduced. In the five year period prior to the Wambelong fire, around 900 hectares of the park were treated in nine hazard reduction burns.

The focus of those activities was largely in strategic locations near the perimeter of the park to assist in limiting fire movement into and out of the park, and to protect neighbouring property and the key asset of Siding Spring Observatory.

**Fire trails and fire breaks**

The fire trails and fire breaks in Warrumbungle National Park had been maintained prior to the fire. In 2011, 86 km (out of a total 94 km) of the road and fire trail network (including the Northern Fire Trail) were maintained under contract by the Soil Conservation Service. There is a regular program of reviewing fire trail condition and maintenance requirements to ensure that the trails are available for a range of management operations.

The fire trail sub-committee of the Castlereagh BFMC has reviewed the fire trail network in the national park and on adjoining lands and has not recommended any additional fire trails be constructed within the park.



**12. The committee understands that only two NPWS staff were on duty on the day the fire started, while none were on duty on the Tuesday prior, when the park was closed owing to catastrophic weather conditions. Inquiry participants have argued that NPWS should have patrolled the park to enforce its closure. What is the NPWS policy for staffing when a park is closed, and the rationale for it?**

The day the fire started was a Saturday and two staff were on duty that day in the park. The Tuesday prior was a weekday and hence the normal complement of staff were 'on duty' or working that day, however the staff were instructed not to work in the park for safety reasons. Fifteen staff were rostered on in NPWS's Coonabarabran Area on the Tuesday with six of those staff working within 30 minutes of Warrumbungle National Park.

NPWS staff did patrol the park to enforce the closure. On the afternoon of 7 January 2013 NPWS staff visited the visitor nodes in the park and instructed all visitors to leave the park by the following morning at the latest – which they did.

NPWS staff continued to patrol the park during the park closed period leading up to the fire, including a patrol of visitor areas undertaken on the morning of the fire.

The Ranger on duty on Saturday 12 January 2013 inspected all the camp grounds and car parks in the park in the morning. She observed that there was no one camping in any of the camp grounds, and that there was a family at the Wambelong camp ground who "were only looking at kangaroos". She called in at the park's visitor centre (which was closed to the public) to see the visitor centre's manager for about 30 minutes, and returned to the NPWS office in Coonabarabran at about 12:30 pm.

No other visitors were observed in the park at any time during the closure period, other than those campers who were packing up to leave as directed on the morning of 8 January 2013.

The visitor centre was closed to the public on Saturday 12 January 2013, however the visitor centre's manager worked there until 4:00 pm. As the weather was very hot, she went outside every hour or so to check if she could see or smell smoke.

**13. You have spoken with the committee about how the ability to meet hazard reduction targets in local Bushfire Management Plans is affected by factors such as weather conditions. What accountability mechanisms exist for these plans, and how might accountability be improved?**

Bushfire risk management plans are prepared by bushfire management committees (BFMCs) that operate across NSW in Rural Fire Service zones. BFMCs are constituted under the provisions of the *Rural Fires Act 1997*. Plans prepared by the BFMCs are approved by the RFS Commissioner. Accordingly any questions about bushfire risk management plans are best addressed to the RFS.

NPWS hazard reduction targets cascade down from the NPWS statewide target of 135,000 hectares per year based on a rolling five year average. Each NPWS region is allocated an appropriate share of the state wide target.

The NPWS Northern Plains Region, within which Warrumbungle National Park is situated, is required to achieve an annual target of 8,511 hectares. In the first three years of the NPWS Enhanced Bushfire Management Program, Northern Plains Region has completed 28,431 ha (an average of 9,477 hectares per year), which is 2,898 hectares above its three year target as at 30 June 2014.

NPWS regions are required to prepare three year prescribed burn plans that document how they will meet their HR targets, including listing the priority areas for HR burns. The number

of burns proposed in the plan is in excess of the region's target – this is to provide maximum flexibility to match potential burns with weather windows. It is also a performance requirement of NPWS regions to have burns plans ready for 150 per cent of their target HR area.



**14. Please explain the arrangements for restitution of private property as a result of the fire. What processes need to occur in order for those who suffered losses to be duly compensated?**

There is no general remedy for restitution for property lost as a result of fire. Property owners can prepare for potential losses by taking out insurance.

Individuals or businesses who have suffered losses as a result of a fire may be able to claim on an insurance policy where a policy is held and the insurer accepts a claim.

The NSW Government has a self insurance scheme known as the Treasury Managed Fund (TMF). Any claim for compensation against the state government is referred to the TMF for assessment. However, there is not an automatic entitlement to payment. In order for restitution to be made, the property owners must demonstrate that the NSW Government is legally liable for the circumstances which gave rise to their loss.

Where it can be demonstrated that the NSW Government is legally liable for the circumstances which gave rise to their loss, a property owner may be able to make a claim, through the court, for compensation.