

INQUIRY INTO WAMBELONG FIRE

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Date received: 18/09/2014

Second Supplementary Submission to No20

Inquiry into the Wambelong Fire 12th Jan 2013.

The bushfire management plan objectives for the affected area

BROADCASTING SITE FACILITIES SHOULD BE UPGRADED TO STAND ALONE IN THE EVENT OF FIRE.

The Wambelong Fire could have initiated catastrophic consequences had the Mt Cenn Cruaich broadcast site had been lost; implementing future pre-emptive plans at this site should also be of significant importance throughout all NSW's sites and indeed the entire broadcasting National Transmission Network across Australia.

In my previous supplementary submission No 20a plus attachments; as with this; I hope to display deficiencies in legislation may have added to the surrounding devastation whilst protecting the facilities at Mt Cenn Cruaich. The absence of mandatory protective bushfire measures for broadcasting sites; lack of implementation and the failure by Broadcast Australia at the Mt Cenn Cruaich site to reduce the heavy fuel load since buying the network in 1999 has resulted in huge rural property devastation.

Significant site complications include the restrictive single vehicle in and same way out overgrown access, the remote location, no vegetation management and the lack of any Government directives.

In my 5 minute speech (copy attached) I mentioned several topics.

1. Warrumbungle Local Environmental Plan 2013 zones.

After further checking with the Warrumbungle Shire, they confirmed both Broadcast Sites - one situated on Lot 44/763383 (Broadcast Australia site) adjoining Lot 41/753383 (my property) and Lot 1/869582(Essential Energy site) enclosed within my property are also zoned RU1 Primary Production. The extract below is from Warrumbungle Local Environmental Plan 2013.

Clause 2.8 Part 2 Land Use Table explains this zone:-

2013 No 670 Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry;
Home businesses; Home occupations; Intensive plant agriculture

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Helipads; Highway service centres; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Mortuaries; Neighbourhood shops; Open cut mining; Plant nurseries; Recreation

areas; Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Signage; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

The area that surrounds Mt Cenn Cruaich is listed as environmentally sensitive as well as Bushfire Prone Area. Private property and National Park completely enclose this isolated Crown Land site.

Where is a mention of Broadcast/Communications Facility within this RU 1 Primary Production zone? This inaccuracy should have been noted and corrected by the new 2013 Local Environmental Plan. The Warrumbungle Shire Council has again omitted to update and include this important data. This Shire has only **ONE CRITICAL Broadcast site** but many Telecommunication sites within its shire boundary. The Mt Cenn Cruaich Broadcast facility is continually being upgraded and installations of new services but rarely is Council notified. Registration of these developments would provide information for inclusion in bushfire risk management planning; allowing review for appropriate protection instead of the subsequent debacle for "saving the tower" that lead to the incineration of land zoned rural.

Mt Cenn Cruaich Broadcast site appeared to be completely forgotten. The fire front was moving towards this Critical Infrastructure Site Sunday afternoon 13th January 2013 placing it under threat; yet NO ONE WAS DEPLOYED BY THE Fire Control Centre to protect this Critical Infrastructure from fire. (It takes over 1 hour travel time to this site from Coonabarabran). Tuesday this site received aerial retardant; and RFS and NSWFR personnel.

Later in the week the communications site at Binge Grumble was "bombed" by aircraft and retardant – this supplies services to GRN, Warrumbungle Shire and the local Community radio. This site is not listed on the BFRMP assets register anywhere. If this important information is not advised or available to the Council and Castlereagh Bushfire Management Committee how can we expect them to make an informed decision to determine what assets to protect?

2. Responsibilities - Duty of Care of the Licencee – Broadcast Australia

Below is an excerpt from their NSW 34a Crown Land licence

Minister's Reference	Head Licence No: 407998 Head Licence Commencement Date: 1st July 2009 Site Licence No: 412179 File Ref: 08/5222
Holder's Reference	MT CENN CRUAICH #2088
Location of Site	
Parish	GOWANG
County	GOWEN
Local Government Area	WARRUMBUNGLE
Locality	GOWANG
Deposited Plan	44//753383
Land Status	Reserve No: 753383 Reserve Purpose: Future Public Requirements
34A Gazette Date	Date: 11TH SEPTEMBER 2009 Additional Purpose: COMMUNICATION FACILITIES
Text Description	Client Reference NOT HELD; ACMA Id 151278 - Broadcast Site MT CENN CRUAICH

26. BUSHFIRE

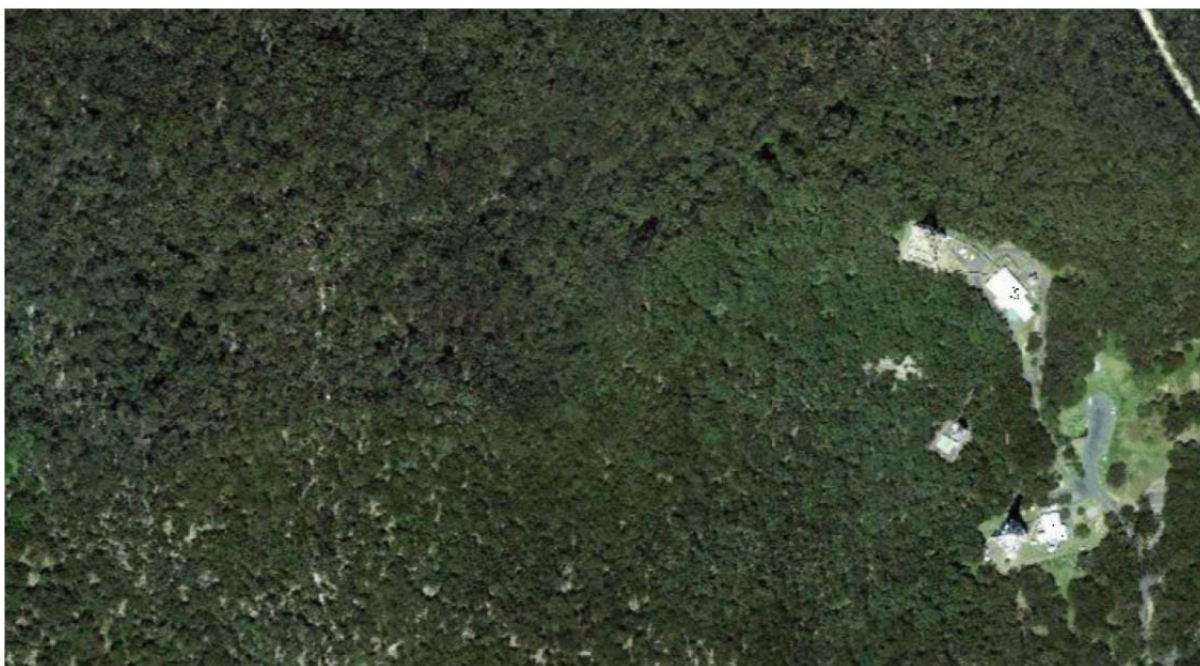
- (a) The Holder will not carry out any hazard reduction burning on the Site except with any necessary approval from the Rural Fire Service and any required environmental approvals.
- (b) Without limiting any other provision of this Licence and subject to subclause (d) below, the Holder:
 - I. shall comply, at its cost, with any requirements imposed upon it, as occupier of the Site, including bush fire hazard reduction requirements under the *Rural Fires Act 1997*;
 - II. shall maintain any fire trails and undertake bush fire hazard reduction activities necessary for the protection of the Holder's infrastructure; and
- (c) to the extent necessary for these purposes
 - III. may, with the prior written approval of the Minister which must not be unreasonably withheld, enter on the land of the Minister adjoining the Site.
- (d) If the Holder fails to carry out the requirements referred to in subclause (b), the Minister may do so and recover the cost from the Holder.
- (e) The provisions of subclauses (b) and (c) do not operate to the extent that any non compliance by the Holder results from a refusal by the Minister to give approval to the Holder to enter any land of the Minister adjoining the Site

Can the NSW Minister for Crown Lands; the land owner; explain why an inspection at this site has not occurred? Does the Minister believe the licensee is compliant to their 34a licence? There are in NSW 14 additional sites situated on Crown Land, as well as 4 in National Parks and 1 in Forests NSW. I ask – are all sites adhering to the requirements set out in the Rural Fires Act 1997 and the local Bushfire Management Committee?

Below are photos of 2 Broadcast Australia sites in NSW showing very similar characteristics to that of Mt Cenn Cruaich – heavy vegetation, restricted access and isolated.



Lot 7001 DP 1125712 - BA Site Mt Wandera @ Moruya – note heavy vegetation along access road
Source: Six Viewer, the Land Information Centre, used with the permission of Land and Property Information, NSW



Lot 22 DP 223395 – BA Site Mt Sugarloaf Wallsend

Source: Six Viewer, the Land Information Centre, used with the permission of  Land and Property Information, NSW

The Comprehensive Fire Management plan implemented by ANU at Siding Springs Observatory clearly assisted in saving most of their site. A comparable proposal should be recommended and established; enabling Broadcast Australia to implement the necessary protocols at each of its' Broadcast sites prior to the start of each bushfire season.

3. Broadcast Australia submission into the Victorian Bushfires

Broadcast Australia's (BA's) submission(copy attached) in May 2009 into The Victorian Bushfires Royal Commission as the provider of Emergency Information via Broadcaster Services provided little information in regard to the company; Broadcast Australia implementing a fire action plan; but does suggest funding by the Federal Government and the Australian Broadcasting Commission (ABC) to provide protection of their assets.

Is Broadcast Australia passing on their obligation of protecting Critical Infrastructure; i.e. tower and buildings that house and support their clients' assets to the ABC and Federal government who are funded by the taxpayer?

4. Bushfire attack analysis for Mt Cenn Cruaich

We are informed by BA that these broadcast sites require line of site between towers for their digital and wireless technology to work; placing their existing infrastructure to a potential threat by any wildfire event. (See attachment from Abel Ecology)

This report recommends an Asset Protection Zone together with preventative measures installed on the infrastructure to help in protection from flame and radiant heat attack. Broadcast Australia as the corporate owner should be responsible to protect this vital infrastructure from bushfire attack implementing the recommendations similar to this report.

5. Still no hazard reduction at this site

Broadcast Australia loss at Mt Tassie Vic, Mar 2009 (copy attached); their media release "Bushfires a burning issue" Dec 2010 (copy attached) and the South Australian Bangor fire this year (copy attached) has shown that Broadcast Facilities are threatened or destroyed. I advise that to this day 18th Sept 2014 - 20 months have passed and coming into the 2nd summer after the Wambelong devastation Mt Cenn Cruaich; which did not burn at all; still has nothing implemented for any fire protection surrounding the site.

All levels of Government should come together and form a single strategy; uniting relevant government depts. from local Council, NSW planning and land managers in association with emergency services and collate and maximise preventative and safety measures for all broadcast infrastructure. This should incorporate strategies for volunteers' safety and to ensure transmission of emergency warnings via these sites. Without site infrastructure how can transmissions be kept **ON AIR** for all Australians, the three tiers of government, aviation, the business economy and all emergency services.

Thank you.

FYI -

Translation of the name Cenn Cruaich is Altar Mountain or Sacrificial Mountain.

Myles J Dunphy named most of the Warrumbungle rock formations in the 1950's.

Passage taken from <http://adb.anu.edu.au/biography/dunphy-myles-joseph-12446>

"Displaying a lifelong commitment to connecting urban residents with the natural world, Dunphy made a profound contribution to the conservation cause. 'Whether we like it or not', he had commented in 1934, 'we hold our land in trust for our successors'. His skill as a cartographer and his role as a lobbyist ensured that land was preserved for his successors to enjoy."

From - *Dictionary of the Irish Language Based on Old and Middle Irish Materials*, Dublin, 1990

Cenn can mean "head" or "the head, chief". *Cruaich* (or *crúach*) can be an adjective, "bloody, gory", or a noun, meaning variously "slaughter", "(corn) stack", or "pile, heap, mound". Plausible meanings include "bloody crooked one", "crooked stack of corn", "crooked one of the mound", "bloody head", "head of the stack of corn" or "head of the mound".

Copy of my speech at Coonabarabran Town Hall 3rd Sept 2014

Thank you for this opportunity to speak.

The executed plan for saving the Broadcast Site at Mt Cenn Cruaich involved dropping incendiaries on my land; burning 5,500 acres of my property and 6 other neighbours.

The Warrumbungle Shire's Local Environmental Plan; zones this area as; RURAL 1 Primary Production and Fire Prone. My boundary joins the National Park and the Broadcasting Site. I am stunned, that, without any kind of communication, the plan "to save the tower"; at any cost; went ahead. The outcome destroyed more than 15,000 acres of land, stock, rural infrastructure, including a wildlife refuge containing native animals and threatened species.

Broadcasting sites are usually located on accessible peaks; surrounded by vegetation; exposing infrastructure to fire and radiant heat attack. Installed in 1965; numerous fires in the area could have impacted this site but changing weather reduced that danger.

Site Owners; Broadcast Australia Pty Ltd, is a subsidiary company of the Canadian Pension Plan Investment Board. In 1999 the Commonwealth Government privatised 580 broadcast sites under the National Transmission Network Sale; of which 140 sites are located in NSW. 15 years later under corporate ownership, no hazard reduction or Asset Protection Zone has been prepared at Cenn Cruaich.

600 feet of vertical real estate and buildings are leased out. Broadcast Australia's client list includes the Emergency Services, ABC Radio, Television, Telecommunication providers, Government Radio Network, and the NBN Co. As of today's date no safety measures have been carried out to reduce fire impact on site for their customers' equipment? Infrastructure Owners need to establish Broadcasting facilities' as stand-alone sites if under bushfire attack.

Had this site been lost an area from Mudgee to Walgett and Nyngan to Boggabri inclusive would have been silent. No digital no wireless technology.

Asset protection is the responsibility of the site owner. It is an obligation listed under Part 4.26b of their 34a Crown Land licence. Total reliance on property protection by defensive actions from NSW Fire and Rescue and RFS endangered the surrounding properties. Are responsibilities of Site owners exempt from property protection measure for their Asset and surrounding landscape?

Where are NSW State Environmental Planning Policies for a Code of Practice for Broadcasting and Radio Infrastructure facilities? This deficiency in legislation for the Vegetation Control around Broadcast Sites should be addressed.

This facility is situated on an isolated peak; access to this site is one way in the same way out, lacking any pre-emptive fire strategies. The Castlereagh Bushfire Management Committee did not execute any of their 2006 to 2012 management plan actions for this emergency broadcast site. Can Rural Fire Service Commissioner explain why?

The importance of this omission has resulted in huge losses to farmers - mentally, physically and financially, by no mandatory fire prevention management for over a decade by this public company or government.

Damages sustained in the 2009 Victorian Fires at Broadcast Australia's Mt Tassie site; highlights the need for government involvement. 5 years later, a Royal Commission and multiple Section 44 fires and still Broadcast site safety has not been addressed.

"The Government needs to incorporate preventative bushfire recommendations for Broadcasting Sites as part of their Critical Infrastructure Resilience Strategies"