

## INQUIRY INTO WAMBELONG FIRE

**Organisation:** Coonabarabran Property Owners Alliance

**Date received:** 18/09/2014

---

# A Supplementary Submission to the Legislative Council Inquiry with Regard to the Wambelong Fire of January 2013.

To:-

The Director  
General Purpose Standing Committee No. 5  
Legislative Council  
Parliament House  
Macquarie Street  
Sydney, NSW, 2000.

This Supplementary Submission has been prepared by the Executive Committee of the Coonabarabran Property Owners Alliance addressing responses to questions from the GPSC5 Committee Members, additional information and comments in regard to other submissions.

The CPOA has a very large collection of factual material, records of conversations and evidence to support our claims. We would be prepared to share this with the Committee should any clarifications be requested.

We offer no confidentiality instructions in regard to this supplementary submission.

We thank the Committee for the instigating this Inquiry and we respect the process and professionalism of all involved conducting it.

Stephen Lill  
on behalf of the Committee and Members of the CPOA

17 September 2014

## Supplementary Submission to the Legislative Council Inquiry

This supplementary submission is in 7 parts as detailed

1. This introductory page
2. Response to a question raised by Dr Peter Phelps at the Coonabarabran hearing on the 4<sup>th</sup> September of Mr Procter Morris. Time over took the hearing and the response is included at this time.
3. The CPOA response to a question on notice from Dr Mehreen Faruqi in regard to the 'insurance mix' held by members of the CPOA.
4. Additional information with pictures that relate to the fire sequence of Saturday 12<sup>th</sup> and Sunday 13<sup>th</sup> January, 2013.
- 4A. Additional Comments on Procedural Compliance by the NPWS.
5. Copy of videos and still images on USB Flash Drive that show fire development, wind/smoke directions, road signage after the fire and changed signage the following week.
6. CPOA comments on some matters made in the Government submission No.44
7. Summary.

### **Part 1.** Introduction,

The CPOA is conscious of the required procedural process and in no way wish to breach any protocols with the submission of this additional information and comments.

We are a group of citizens endeavoring to assist the Inquiry process with factual information in order to bring about changes for the better in the operations of the WNP, our neighbour. Also we wish to pursue fair and just compensation for the losses incurred by our members as a result of the miss-management of the WNP fire of January 2013. Unfortunately we do not have access to full time legal counsel or agency staff with limitless financial resources to creatively present such a submission.

In our correct and civil communications with the (former) State Premier, the (former) Minister of Police and Emergency Services and the (former) Minister for Conservation and Heritage we have been fobbed off and our legitimate claims for Public Liability Insurance rejected, thus far, by the SI Office, the TMF and the GIO. Following the deliberations of this Committee, we trust there will be a clear directive issued to provide for fair settlements to affected property owners.

## **Supplementary Information prepared by Procter Morris CPOA**

**relating** to the Question by Senator Dr P. R. Phelps at the GPSC5 Inquiry into the Wambelong Fire held in Coonabarabran 4 Sept 2014.

His question to Procter Morris was: Taking into account the projected fire run (in the Fire Spread Prediction Map), was it reasonable for NPWS to have relied upon that prediction for their planned containment and back burning action the following day rather than a direct attack (with aerial support)?

When the NPWS Divisional Commander returned to the NPWS Office he, along with the Area Manager and other NPWS Rangers, decided that the best strategy for Sunday was for a direct attack with aerial support.

We now know that the NPWS Divisional Commander did not have (nor did the IMT) any weather information when he made the decision to leave the fire ground on Saturday evening.

We also now know that when NPWS had their meeting back in the NPWS Office when they returned from the fire ground (Saturday evening) and decided upon the direct attack with aerial support, favoured by the Divisional Commander, that they still did not have any weather information.

We also now know that the area known as the Browns Creek area was the subject of a fire back in 1990, some 23 years previously. The Browns Creek area is the area where the Fire Spread Prediction map indicated the spread of the fire was to go to the East and above towards the Northern Fire Trail. That 1990 fire was contained at that time with back burning up the Northern Fire Trail and back around the loop back towards the woolshed. There was no aerial attack back then. At that time that fire and back-burn took two weeks to complete and there was wet weather during that fire.

Coincidentally, we now also know that the very same Browns Creek area at the time on 12 Jan 2013 was the subject of a planned and approved Hazard Reduction burn that was waiting to be conducted.

The Fire Spread Prediction map was received by NPWS from the RFS around 9.30pm Saturday. It was provided by the RFS without weather information. That RFS Prediction map was produced at around 6pm.

That Fire Spread Prediction map contains warning information about the use and utilisation of the map, that was not complied with by NPWS.

We now also know that the NPWS IMT, consisting of the Area Manager (the daytime Incident Controller) and the Overnight Incident Controller, in considering the Fire Spread Prediction to change their strategy from a direct attack with aerial support to an indirect attack with back-burning, did not have, or had not accessed, any weather information for the following day (Sunday) when they made their decision to change the strategy.

We now know that the NPWS IMT did not consult with the RFS about changing their strategy and their plans to conduct the back burn on the Sunday.

We now know that the NPWS IMT did not seek advice from the NPWS Fire Management Specialist for WNP while the Div Com was at the NPWS Fire Control Centre on Saturday night or later about what strategy NPWS should implement on Sunday.

## **Weather**

The NPWS Fire Management Manual (FMM) 2012 -2013 contains many references to the importance of having weather information and particularly up to date weather information in regard to Fire.

FMM “423 Up to date meteorological information and forecasts are essential for developing and implementing fire suppression strategies and prescribed burns, and for ensuring the safety of personnel on the fire ground.”

FMM 3.3.3 Monitoring weather during Fire Management operations

FMM 431 “Weather forecasts and information will be displayed in incident control centres and assembly areas and updated on a regular basis.”

NPWS Regional Incident Procedures - outline what needs to be done with accessing weather information.

NPWS failed to follow their own procedures in the Fire Management Manual and the Regional Incident Procedures in regard to accessing and having weather information available to utilise in making decisions about their fire strategy and the actions that NPWS would take.

**General Knowledge about the weather.** The preceding week of hot weather, Total Fire Bans and Fire Danger Ratings together with general Weather information in the media via radio, TV and Internet was predicting that Sunday 13 January was going to be a bad day with high wind. The forecast issued by the Bureau of Meteorology on Saturday afternoon at 4.33pm included a Fire Weather Warning for hot to very hot North Westerly wind and an Extreme Fire Danger Rating for the remainder of Saturday and for Sunday. The Bureau of Meteorology issue Fire Weather Warnings when weather conditions are conducive to the spread of dangerous bushfires.

A Spot Fire Weather Forecast was not requested by the NPWS IMT Incident Controller until after the decision to conduct the Indirect attack with back-burning was made.

The Spot Fire Weather Forecast from the BOM was not received by the overnight NPWS Incident Controller preparing the IAP until after 1am Sunday morning.

The Spot Fire Weather Forecast, which, when NPWS received it, predicted strong hot North Westerly wind and conditions not suitable for the lighting of a back burn. Weather data included in the Spot Fire Weather Forecast outlines the weather forecast reasons why a back burn should not have been lit on that day.

## **Conclusion**

The strategy for the lighting of the back-burn with the forecast of Extreme Fire Danger Rating and a Fire Weather Warning for hot to very hot North Westerly wind was very risky and extremely dangerous as spotting was a very likely outcome.

This strategy by NPWS to light a back burn under the predicted weather was in contradiction of the procedures for back burning in the NPWS Fire Management Manual, particularly around the important aspects of weather, potential for spotting and their planned four crew firefighting resources.

In addition, the back-burning was in contradiction to the WNP Fire Management Strategy 2011 -2016 under the Notes in Suppression Strategies - Backburning should be avoided in steep terrain until fire fronts are within proximity of control lines. The aim is to time backburning to minimise length of fire run and spotting potential. (The back burn was to be lit up a 30 degree slope.)

## **With a strong hot North Westerly wind forecast in the Spot Fire Weather Forecast:**

- The original fire was not going to spread to the NE as predicted in the Fire Spread Prediction.

In addition:

- The additional fire caused by the lighting of the back-burn that was to burn up the hill was going to create a fire roughly equal to or greater than the size to the original fire. In addition there was the very strong potential that the back-burn would create spotting that would head towards the Visitors Centre.
- There was no plan to contain or extinguish the original fire.

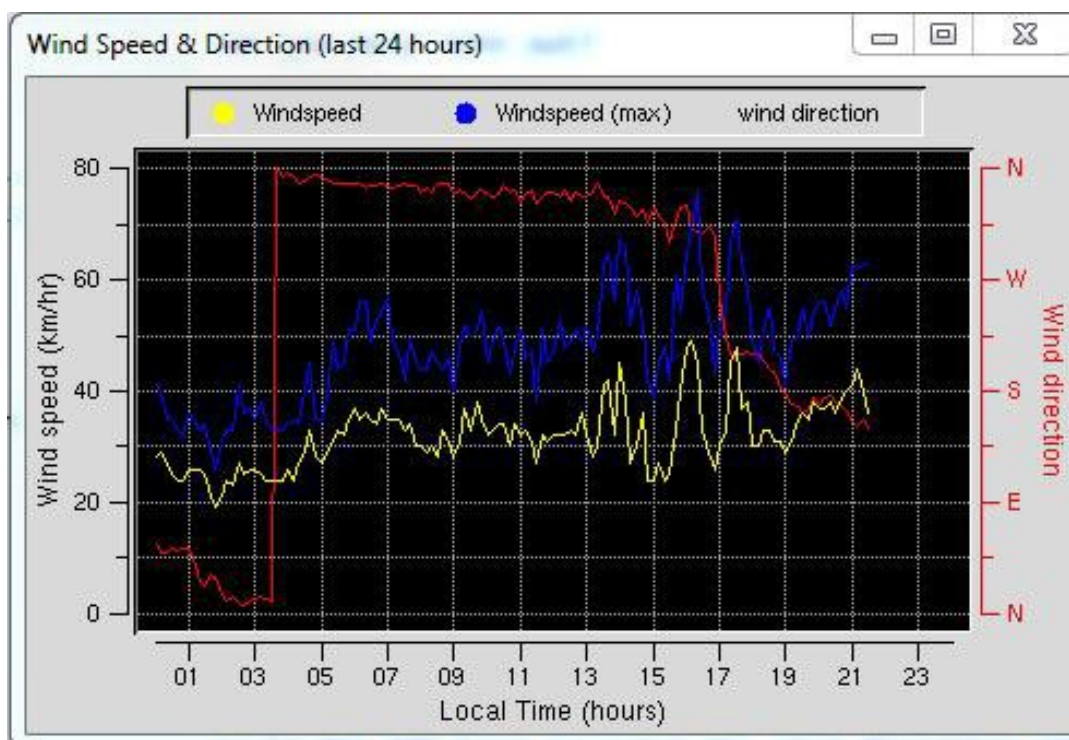
- There was no plan to contain or extinguish the fire caused by the back-burn.
- There would be additional spotting from the back-burn fire as the winds strengthened and changed direction to the West.

(Please see the wind speed and gusts recorded at Siding Spring and the map of the fire ground shown below.)

The NPWS Incident Management Team in changing their strategy from a Direct Attack with aerial support to an Indirect Attack and lighting the back-burn under the conditions forecast in the Spot Fire Weather Report did not follow their own procedures.

**As a result, it is my opinion that it was not reasonable for NPWS to have relied upon that Fire Spread Prediction for their planned containment and back burning action the following day rather than a direct attack (with aerial support).**

The following image shows the Wind speed and Wind direction detected from Siding Spring on Sunday 13 January 2013 (provided by John Shobbrook).

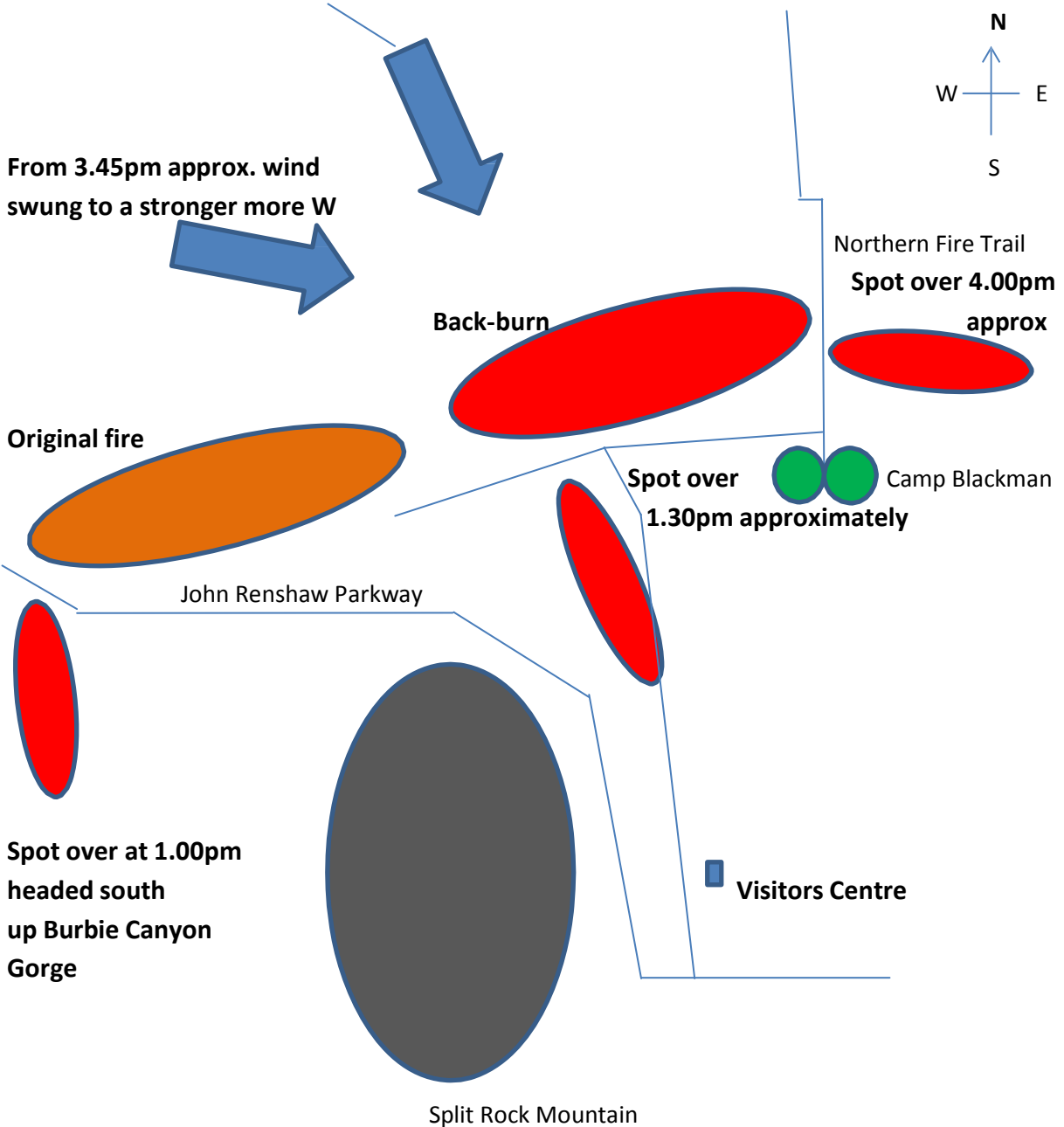


On Sunday afternoon, wind gusts in the WNP Visitors Centre car park were strong enough to cause me to lose my footing.

## Diagram showing the fire ground in WNP on Sunday 13 January 2013

Please note the Wind speed maximums from the Wind Speed and Direction Chart and the spot overs shown in the diagram.

Wind direction from NNW from 3.30am up until around 3.30pm



The back-burn (red) was lit to the East of the original fire (tan) for a distance of approximately 2k to the East towards the Northern Fire Trail. As the back-burn was lit it burned up the 30 degree south facing slope in a Northerly direction. The steeper the slope the faster the fire will burn up the hill.

**Note: Weather at 3pm at Coonamble,** Temp 45.7, Relative Humidity 10% Wind NW at 33k/hr



## Supplementary Submission to the Legislative Council Inquiry

**Part 3.** CPOA response to a question on-notice from Dr Faruqi regarding the mix of insurance held by CPOA members.

This question was asked during the Coonabarabran public hearing on September 4.

A questionnaire was sent to all property owners and the combined responses are shown in the table below.

Question	Yes	No
Did you have insurance	70%	30%
Were you fully insured	16%	84%
Were you partially insured	57%	43%
Were you under insured	77%	23%
Did you make a claim	70%	30%
Have you received payment for your claim	67%	33%
Were any assets lost or damaged that were not insured	100%	0%
Approximately what percentage of your total losses did you recover through insurance	30.2%	N/A

It was found that some members were not able to obtain sensible insurance cover for certain assets like extensive fencing, livestock due to averaging conditions.

Others were caught up in the policy renewal process over the New Year holiday and no period of grace was extended to them. They were not paid out for the major losses they incurred.

The most common reasons for under insurance of assets was the prohibitive premium costs partially due to the major increase occasioned by the Brisbane and Queensland floods and the gouging between 33% and 37% of the premiums by the NSW Govt by way of Fire Service Levy, Stamp Duty and GST. With little income the only choice was to decrease the sums insured.

Since the fire, most insurers have doubled their premiums even though there is nothing left to burn.

We trust this provides an insight into our insurance dilemma.

**Development of the Wambelong Fire – information provided by Procter Morris CPOA**



**Image 1** by Dawn Keirle RFS Timor Brigade of the small fire in the National Park late on Saturday 12



**Image 2** by Procter Morris RFS Timor Brigade showing the small fire in WNP before 8am Sunday morning 13 Jan



**Image 3.** The above image was taken from the Woorut Trig point at Siding Spring 6k to the East at 12.09pm on Sunday 13 January 2013. (Image provided by John Shobbrook)

Image 3 above shows the Warrumbungle National Park and the **smoke** from the back-burn having burnt up the hill, meeting the N-NW wind travelling at approximately average 32kph gusting to 50kph creating turbulence causing spot overs. Some spot overs were controlled. The smoke is being blown basically horizontally indicating that the wind is strong.

You will also note that Split Rock is not visible as it is behind the smoke caused by the back-burn., **Image 3 was taken after lighting of the back-burn had ceased as requested by the RFS and was taken one hour before the original fire broke containment lines on John Renshaw Parkway.**



**Image 4. Note the similar land formations shown in Images 3 and 4 that indicate this image 4 has been taken with a telephoto lens. This image was also taken from the Woorut Trig point at Siding Spring at 2.30pm Sunday provided by Peter Verwayen from Siding Spring Observatory.**

**Image 4 shows:** Smoke across the WNP blocking any view of Split Rock. The back-burn is on the right hand side. The spot over originating from the back-burn has grown to an uncontrolled back-burn breach and is heading SSE and is about to impact on the NPWS Visitors Centre.

**In the foreground centre the uncontrolled back-burn breach can be seen to be burning SSE across open woodland which is now the eastern flank of the fire.**





**Image 5** Taken by Procter Morris approximately 20k from the WNP at **7.20pm**. The rock formations and skyline in the centre of the image are in WNP.



**Image 6** from the Internet taken by a commercial pilot of the Wambelong fire.  
**The pyrocumulonimbus cloud from the Wambelong fire rose to a height of 14k**

Some important aspects relating to the Wambelong Fire:

- NPWS made the decision to leave the fire ground on Saturday evening without any knowledge of the predicted weather or by that time having accessed a weather report for the next day.
- There was no consultation on Saturday night with the RFS Fire Control Centre in regard to the change in strategy from a direct attack using RAFT Crews and Aerial support on Sunday morning to an indirect attack with back-burning.
- NPWS failed to contact and notify WNP neighbours on adjoining properties about the fire in WNP in accordance with the NPWS Regional Incident Procedures (RIP). Note the RIP as well lists adjoining property owner's names together with their address and contact phone number.
- There was no consultation or advice sought by the NPWS IMT from the NPWS Fire Management Specialist for WNP while the Divisional Commander was at the NPWS Fire Control on Saturday night or later about what strategy NPWS should implement on Sunday.
- The decision by the NPWS Incident Management Team (IMT) to conduct the Indirect Attack was made without reference to a weather forecast. The Fire Spread Prediction map from the RFS was not provided with the weather component.
- The Spot Fire Weather Forecast was not requested until after the decision to conduct the Indirect attack with back-burning was made.
- The Spot Fire Weather Forecast was not received by the overnight NPWS Incident Controller preparing the IAP until after 1am Sunday morning and it forecast the strong wind from the NW.
- The Spot Fire Weather Forecast contained details about the severity of the wind to occur on Sunday 13 January.
- NPWS Incident Controller did not take the advice in a radio conversation at 2.46am from his own NPWS staff on the fire ground in regard to wind and resourcing who stated that the four crews that were planned were not sufficient.
- NPWS did not plan for, request or have sufficient firefighting resources to contain the original fire or the back-burn under the weather conditions that were forecast for Sunday 13 Jan.

- On a Total Fire Ban day NPWS did not take all steps to extinguish the original fire on Saturday. There was no aerial attack or suppression or any steps taken to extinguish the original fire after the RFS, RAFT team departed on Saturday evening before sunset.
- There was no aerial attack or ground attack or any steps taken by NPWS to extinguish the original fire on Sunday morning.
- NPWS did not take advice or abide with the request from the RFS Zone Manager from Coonamble, whose area the fire was burning in when he called the NPWS office in Coonabarabran at around 9.30am Sunday morning and stated to the NPWS Area Manager who was the Incident Controller words to the effect, that he did not agree with the back-burning and that it should be stopped.
- All efforts and firefighting resources consisting of 4 Cat 9 strikers, one Cat 7 and one RFS Cat 1 Tanker, one helicopter, a grader and a loader on Sunday were directed towards the back-burn with just one RFS Cat 7 Tanker patrolling John Renshaw Parkway.
- Under adverse weather conditions (Fire Weather Warning) with the lighting of the back-burn NPWS added to the fire by approximately doubling the amount of fire on the ground by midday Sunday which is contrary to RFS procedures.
- In a radio report to the NPWS Incident Controller it was said that the Wambelong fire was not doing what it was supposed to do. (spreading) A line scan showing the Wambelong Fire and the back-burn as separate fires confirms the Wambelong fire did not spread as predicted in the Fire Spread Prediction map.
- A radio transmission from the Div Com to the NPWS office at 12.55 Sunday, “the fire we are keeping in front of is actually our back-burn.”
- A radio transmission from the Div Com to the NPWS Area Manager at 1.12pm words to the effect, fire is growing rapidly need more crews. Happening everywhere, jump overs everywhere.
- NPWS failed to comply with their own procedures relating to conducting firefighting operations.

**Back Burning - NPWS Documents listed below set out procedures that are to be followed in relation to firefighting and the lighting of back-burns:**

### **NPWS Regional Incident Procedures**

*Knowledge about the weather is critical in decision making about fire strategies. Weather information is a critical area of responsibility starting with the NPWS Duty Officer's role to ensure Weather information is monitored, obtained and disseminated during incidents. The Regional Incident Procedures sets out details of how this is to occur and responsibilities.*

*The Regional Incident Procedures set out many aspects around fire associated with the weather in National Parks.*

### **NPWS Fire Management Manual**

**Clause 645 – Under the Rural Fires Act 1997**, NPWS has a statutory responsibility for fire management and control on the land it manages, and to protect life, property, the environment and natural and cultural heritage from the adverse effects of fire.

**Clause 646** – It is essential that fire management operations are undertaken in such a way as to minimise adverse impacts and, where possible, foster community support for NPWS fire management practices.

**Clause 671** – Initial attack strategies and tactics should be implemented to contain fires to the smallest area possible, if:

- Seasonal conditions or forecast conditions indicate the potential for a single large fire event, or
- Assets or biodiversity values are assessed to at serious risk from a fire event.

**Clause 669** – Fire management approaches that may be undertaken in natural areas include: aggressively attacking fire when there is an assessed risk to life and property, or an assessed risk of a large fire event.

**Clause 878 - ... A back-burn should be conducted only when both fuel and weather conditions are suitable for the containment of the burn.**

**Clause 883 - Burning operations should NOT be undertaken when:**

- People and property are within the burn area without adequate protection
- Long-distance spotting is occurring or likely to occur
- The fire edge is too close to the control line to permit safe operations
- Control lines are inadequate for containing the burn
- There is insufficient time and resources available, or

- Firefighting personnel believe the conditions are unsafe.

**Clause 884 - Burning operations should be conducted in accordance with the following principles:**

- All burning operations will be planned.
- All personnel participating in the burn operation must be accredited to undertake assigned tasks.
- **The safety of personnel is paramount during all phases of the burn operation.**
- **Adequate resources must be committed to ensure the safety of personnel and containment of the burn in the time specified for the operation.**
- Adequate means of communication must be available to all personnel involved in burning operations.
- Crews must be briefed on all phases of the burn operation.
- **Conditions must be suitable for the containment of the burn.**
- **The light-up methods and sequences will ensure containment of the burn and safety of firefighters.**
- The intensity of the light-up should be planned to minimise spotting and to reduce the mop up and patrol effort.
- **Control lines must be sufficient to contain the burn under the conditions anticipated.**
- The burn must be deep enough to prevent the approaching fire front crossing the control line.
- Burning out areas within control lines is an acceptable form of indirect attack.

**Clause 900 – Determining the light up pattern and speed.** When determining light up pattern and speed the crew leader must take into account the following:

- Watch out when the wind speed is 15km/hour: There appears to be a threshold wind speed around 12-15km/hour in the open that makes a huge difference in the behaviour of forest fires. Fires in heavy fuels may spread deceptively slowly, well below their potential ROS (Rate of spread), when the wind speed is below the threshold. A slight increase in wind speed can result in a big jump in fire behaviour.

**The Fire Management Strategy for Warrumbungle National Park** Under the heading Suppression Strategies notes it states backburning should be avoided in steep terrain until fire fronts are within proximity of control lines. The aim is to time backburning to minimise length of fire run and spotting potential.

**NPWS Plan of Management for WNP** Section 4.2 Fire “Wild fires generally travel from west to east through the park, usually ignited by lightning, and spread under the influence of hot northerly and westerly winds.”



## Supplementary Submission to the Legislative Council Inquiry

### **Part 4A** Additional Comments on Procedural Compliance

The back-burn should not have been lit in WNP with the Extreme Fire Danger Rating together with the Fire Weather Warning for hot to very hot North Westerly winds with insufficient firefighting resources available to contain back-burn according to NPWS procedures in their Fire Management Manual along with what is set out below.

NPWS in regard to the lead up to and during the initial stages of the Wambelong Fire did not comply with their own procedures as set out in the various relevant sections of the NPWS Regional Incident Procedures, the NPWS Fire Management Manual, WNP Fire Management Strategy, NPWS Plan of Management for WNP and the Rural Fires Act (1997).

Details of noncompliance with the various relevant NPWS procedures are outlined in our original submission.

1. NPWS not conducting sufficient or adequate Hazard Reduction or Prescribed Burns prior to the fire. Some areas of the WNP had not been burnt for up to 40 years. The Browns Creek area where the back-burn was lit had not been burnt since 1990 and was listed for a Hazard Reduction Burn.
2. NPWS not maintaining suitable fire breaks within WNP.
3. NPWS not displaying appropriate signage, Park Closure and Total Fire Ban
4. NPWS not having staff patrol the Park prior to the fire for a quick response to a fire or to enforce the WNP closure.
5. NPWS not having in place any procedure, practice, method, system or personnel to detect a bushfire.
6. NPWS not staffing the vantage point at Siding Spring Observatory 40" Telescope overlooking WNP in accordance with the NPWS Regional Incident Procedures.
7. NPWS not having any suitable staff available in the WNP for a rapid response to a fire on a State wide Total Fire Ban day with a Very High Fire Danger Rating that escalated to an Extreme Fire Danger Rating later on Saturday day while the Park was closed to the public for their safety.
8. NPWS not removing campers from the Park when the WNP was closed and enforcing the WNP closure.
9. NPWS not aggressively attacking and taking all possible steps to extinguish the fire the fire on Saturday in the WNP on a Total Fire Ban day in the window of opportunity overnight and in the morning before the forecast Fire Weather Warning hot to very hot North Westerly winds that would dramatically affect the fire ground on the Sunday mentioned in the NPWS IAP and outlined in the Spot Fire Weather Forecast.

10. NPWS failed to take advantage of the pre-emptive Section 44 declaration that was in place and available from the Coonamble RFS that covered the area where the fire was burning in WNP on Saturday 12 January 2013.
11. NPWS not considering the effect of the BOM forecast issued at 4.33pm for the remainder of Saturday and for Sunday with an Extreme Fire Danger Rating and a Fire Weather Warning with hot to very hot North Westerly winds would have on their firefighting strategies. NPWS did not access any weather information until 1am Sunday morning in contravention of their NPWS Fire Management Manual and Regional Incident Procedures.
12. NPWS sending their staff home on Saturday evening on a Total Fire Ban day after only approximately three hours fighting the fire. NPWS went home without having accessed or been provided with any weather forecast information. (NPWS firefighters are equipped to work overnight.)
13. NPWS not bringing in NPWS Arduous firefighters (RAFT Team). Having them work on the fire on Saturday evening, overnight and in the morning.
14. NPWS not bringing in all possible RFS firefighting resources on Saturday evening and overnight and again on Sunday. (Note there were only two RFS Cat 7 Tankers and only one RFS Cat 1 Tankers in WNP on Sunday afternoon.) (Note an audit since the fire of most RFS Brigades surrounding the WNP resulted in none of the brigades having being requested to attend WNP on Sunday except the two RFS Brigades who attended.)
15. NPWS failed to take all possible steps to extinguish the fire in accordance with the Rural Fires Act (1997).
16. NPWS not considering the effect of the BOM forecast issued at 4.33pm Saturday and for Sunday with an Extreme Fire Danger Rating and a Fire Weather Warning with hot to very hot North Westerly winds would have on the original fire on the Sunday.
17. NPWS not planning for or having sufficient firefighting resources available to successfully contain the original fire on the Sunday.
18. NPWS preferred strategy by the Divisional Commander and agreed to by other NPWS staff at the meeting when he left the NPWS Office on Saturday night to go home, was for a ground attack with aerial suppression the next morning.
19. NPWS in their decision to change their strategy for Sunday to an indirect attack with back burning did not consult the RFS Fire Control Centre Coonabarabran about this strategy.
20. NPWS IMT following receipt of a Fire Spread Prediction from the RFS at 9.30pm, failed to acknowledge and abide with the warnings on that Fire Spread Prediction document.

21. NPWS changed their strategy for Sunday to an indirect attack with back burning to the East of the original fire based on a Fire Spread Prediction map provided without weather information and without NPWS having made any reference to a Spot Fire Weather Forecast.

22. The Spot Fire Weather Forecast was requested after the decision to change to an Indirect attack with back-burning was made. The Spot Fire Weather Forecast predicted strong hot North Westerly wind and conditions not suitable to the lighting of a back burn. Also those strong NW winds were not going to provide the predicted spread of fire in the Fire Spread Prediction map.

23. The NPWS IMT did not seek advice from the NPWS Fire Management Specialist for WNP while the Div Com was at the NPWS Fire Control Centre on Saturday night or later about what strategy NPWS should implement on Sunday.

24. NPWS not requesting and bringing fixed wing fire bombing aircraft back into the suppression of the original fire on Sunday morning and then only after the Section 44 declaration at 11.00am

25. NPWS did not make any attempt to suppress or to extinguish the original fire even though conditions were suitable on the Sunday morning.

26. NPWS did not act on the WNP Fire Management Strategy in regard to back burning timing in the Notes under Fire Suppression Strategies. A call from the Divisional Commander to the Incident Controller at 12.55, the fire we are keeping in front of is actually our back burn.

27. NPWS not taking into consideration the effect of the BOM weather forecast issued at 4.33pm Saturday and for Sunday with an Extreme Fire Danger Rating and a Fire Weather Warning with hot to very hot North Westerly winds and their Spot Fire Weather Forecast conditions for Sunday would have on a back-burn to be lit to the East of the original fire. These conditions were extremely likely to cause the back-burn to spot over.

28. NPWS under forecast adverse weather conditions lit the back-burn and added to the fire by approximately doubling the amount of fire on the ground by midday which is contrary to RFS procedures.

29. NPWS not taking into account with their plans and actions the affect caused by the funnelling effect of the mountains within the National Park (that is known to Park staff and locals) on the forecast Fire Weather Warning hot to very hot North Westerly winds that would exacerbate the fire situation and bring about the opportunity for a wild fire.

30. NPWS not taking heed of the reference outlined in the WNP Plan of Management Section 4.2 Fire "Wild fires generally travel from west to east through the park, usually ignited by lightning, and spread under the influence of hot northerly and westerly winds." The exact Fire Weather Warning wind conditions forecast for the Sunday!

31. NPWS Incident Controller not taking advice in a radio conversation at 2.46am from his own NPWS staff who was on the fire ground in regard to wind and resourcing who stated that the four crews that were planned for Sunday were not sufficient. 3

32. NPWS not planning for, requesting or bringing in sufficient firefighting resources for firefighting operations with the Fire Weather Warning winds for the containment of the planned back-burn on the Sunday and the original fire. The IAP prepared by the overnight Incident Controller listed the NPWS resources as 4 with the RFS to be arranged/confirmed. A call by the NPWS Incident Controller at 6.0am to the RFS Fire Control Centre Coonabarabran requested 2 crews only.

33. NPWS not providing the crew of Timor 7 Alpha with an IAP on Sunday morning.

34. NPWS not contacting and advising neighbours of the fire in accordance with their NPWS Regional Incident Procedures.

35. NPWS lighting the back-burn contrary to the number of requirements in the NPWS Fire Management Manual regulations and the WNP Fire Management Strategy for conducting back-burn operations.

36. NPWS lighting the back-burn with the knowledge of the forecast Extreme Fire Danger Rating and the Fire Weather Warning with hot to very hot North Westerly wind and with insufficient time and resources available to secure the back-burn and the likelihood that spotting would occur.

37. NPWS lighting the back-burn against the advice of their own staff and an RFS crew member present on the day.

38. NPWS not taking advice or abiding with the request from the RFS Zone Manager from Coonamble, whose area the fire was burning in when he called the NPWS office in Coonabarabran at around 9.30am Sunday morning and stated to the NPWS Area Manager who was the Incident Controller words to the effect, that he did not agree with the back-burning and that it should be stopped.

39. NPWS not containing the back burn.

40. NPWS not containing a spot fire caused by embers being blown with the stronger NW wind in the vicinity of Camp Blackman 200m in from the back-burn that that was not able to be controlled as it headed in a SE direction that impacted on the Visitors Centre and beyond. (See diagram below)

41. NPWS not containing the back burn and spotting causing out of control spot fires that could not be stopped by NPWS. (Radio call at 1.12pm Divisional Commander to Incident Controller – fire is growing rapidly need more crews, happening everywhere, jump overs everywhere). Those fires headed across the WNP in a South Easterly direction driven by the by now strong Fire Weather Warning North Westerly wind. (wind speed and direction shown in the NPWS IAP for Sunday) The wind changed later around 4pm to a strong more Westerly and the flank of the fire became the front of the fire together with another back-burn breach that headed East towards Siding Spring Observatory then out of the WNP down Timor Valley towards Coonabarabran.

42. NPWS prior to the fire and on Saturday 12 and Sunday 13 January 2013 not complying with their own NPWS documents, directions and procedures and

the Rural Fires Act (1997) with their actions and their inactions in regard to their firefighting procedures and operations with the Wambelong fire.

43. NPWS failed to prevent fire from escaping onto neighbouring property owners land.

44. NPWS failed to meet their NPWS Regional Incident Procedures primary Fire Management Objectives being to, “protect life, property and community assets from the adverse impacts of fire”.

End of Part 4A

# Supplementary Submission to the Legislative Council Inquiry

## Part 6. Comments in regard to Government Submission No.44

### a. Background.

This submission was not made available to the public under a direction of the then Premier. After reviewing this now public document we can now understand why its publication was suppressed.

While there are numerous comments that could be offered up in regard to many of the assertions presented we have chosen to highlight just a few. Many statements just leap from the pages and asked to be challenged.

Many of the claims are not specific or objective and try to create the illusion that all is right and proper and the WNP has a highly trained and capable staff complement.

The words PLAN or PLANNING appear 56 times in just the first 13 pages of the submission.

This appears to be a paper about planning, not about putting small fires out quickly.

A PLAN without ACTION is like a MENU without a MEAL.

### b. Comments. (Just a few of the many)

Page 3. We note that there is not one member of the Volunteer Fire Fighters Association on the 12 member BFCC. These VFFA Members, the Brigade and Group Captains hold the practical knowhow of getting to and putting small fires out quickly.

Page 5. The planning process appears to encourage the development of large fires (sect 44) rather than encouraging maximum effort with all means possible to extinguish small fires. All the planning documents tend to induce a false sense of security and complacency.

Page 7. All the 5 dot points have a 'failed' mark against them in regard to this fire.

Page 8. The statement half way down the page says it all. 'It is the statutory responsibility of the NPWS, as a public authority, to take all practicable steps to prevent the ignition and spread of bush fires on the land it manages.'

Page 9. We note the areas of Hazard Reduction Burns completed in the WNP over the last 12 and 5 year periods and with the aid of a calculator we confirm the Deputy Chairman's comments that these represents just 0.78% pa of the WNP over the last 5 years and 0.93% pa over the period 2000-2012. This falls well short from the 10% pa HRB recommended.

We are aware that plans were approved in August 2012 to carry out HRB in this area of the park but field staff just had not got around to doing it. Knowing and not doing is negligent.

Page 10. The assertions made in the lower half of the page need detailed review especially when evidence is compared against it.

Page 18. Believe the time lines should be checked with the evidence presented to the Coroner. A small fire of ¼ ha developed into a fire of 2 ha in the 40 minutes while the WNP fire appliance was being filled with water. Volunteer fire fighters were turned away by the WNP staff on Sat afternoon.

Page 23. There was no attack on the only fire on Sunday morning. Sunrise 5am approx. No aircraft attacking the fire. All effort and resources spent lighting a back burn until the RFS sect 44 stopped it.

Page 27. Treatment of boundary fencing. The submission reads well, need to ask the neighbours about the unfair agreements they had to enter into and the ongoing conditions they had to agree to. This issue needs a lot more attention especially in regard to the paragraph at the bottom of page 31

Page 31. Half way down the page, the Government submission clearly states its legal liability in regard to the payment of compensation and costs of claimants. We would suggest such a direction be given by the Committee to the TMF to settle these claims.

#### c. Observations

This is a submission of what should have happened. But it did not happen this way.

The behavior of the NPWS leading up to the summer fire prone season was negligent.

The operation and patrols in the WNP and rostered staffing levels during the horror week Jan 7-13 was negligent.

The decision not to aggressively attack a small fire and extinguish it completely given the forecast weather conditions was negligent.

The directive to light additional fires in full knowledge of the weather forecast for the Sunday was against procedural instructions, was reckless to the extreme and negligent.

The failure to commandeer specialist fire fighting units, multiple RFS Brigades, fixed and rotary wing aircraft at the very first discovery of the fire was negligent.

End.

## Supplementary Submission to the Legislative Council Inquiry

### **Part 7. Summary.**

This was a fire that should never have been allowed to happen nor to have left the Warrumbungle National Park.

The costs in human grief and loss cannot be calculated.

The loss of flora and fauna was immense.

The loss of the sense of purpose and natural justice has affected those who were burnt, some will never recover.

It is our initial and lasting belief that the actions of the NPWS prior to and during the fire was behaviour so unreasonable that it could not be considered in any way a proper exercise of the duty of that agency.

End of Supplementary Submission by the CPOA.