

## INQUIRY INTO WAMBELONG FIRE

**Name:** Mrs Kim Noonan

**Date received:** 30/01/2014

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Partially Confidential

# Inquiry into the Wambelong Fire 12th Jan 2013.

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## INTRODUCTION

My named is Kim Noonan and I live at “Balmerah”, Coonabarabran 2357. My family purchased this 5463 acre property in 1970. It is a registered Wildlife Refuge. It is situated on the south eastern boundary of the Warrumbungle National Park (WNP) within the Warrumbungle Shire. My boundary fence line negotiates Tonduron Spire, Rocky and Baldy Mountains, Roana Peak, Mt Cenn Cruaich and Mt Caraghnan. The famous landmarks of Crater Bluff and Beloungery Spire in the WNP are near my boundary giving you an indication of the steepness and rugged terrain. Needle Mountain situated in my Uargon Valley at 3900’ while Mt Cenn Cruaich and Mt Caraghnan are approx. 4000’. (See map below). Warrumbungle Shire LEP list most of this property as Bush Fire Prone, Environmentally Sensitive and a Natural Conservation Area. The Warrumbungle National Park Fire Management Strategy 2011-2016 lists 3 areas of threatened flora in Uargon Valley on Balmerah.

“Balmerah” my family property was used for the incendiary drop and planned back burning for property protection of the Broadcasting infrastructure on Mt Cenn Cruaich on the Wednesday afternoon January 16<sup>th</sup> 2013. I was not spoken with for this planned property protection event, in fact I had no communication whatsoever from any officer in charge at any stage of the Wambelong Fire. Late afternoon on 16<sup>th</sup> January 2013 I had a property without fire and then less than 2 days an incinerated one.

Whilst saving these Communication sites was imperative, it appears little concern was given to the devastating impact this decision would cause if it didn’t go to plan. It is still causing severe hardship to rural landholders’ properties and their livestock and businesses as well as the native fauna and flora.

To the best of my knowledge the “actual containment line” used for back burning in Uargon Valley was still my “bush track”, a single vehicle width with interlocking branches overhead. Late Thursday January 17<sup>th</sup> the fire broke the track containment line and was lost. The fire was

out of control. Mid-morning of the 18<sup>th</sup> January 2013 the fire engulfed the valley where my family, home and livestock were. We were totally surrounded by the fire with no way or where to escape. Thankfully our asset protection zone was well prepared. It is maintained regularly and extra protective measures were implemented for the homestead, stock and surrounding sheds. The Balmerah fire plan was implemented early 13<sup>th</sup> January and additional safety measures completed before midday Monday 14<sup>th</sup> January. We then had to watch and wait. Tuesday morning about 10 o'clock vehicles started to go past the homestead - 6 RFS and Fire and Rescue trucks came in and went to the Communications Site. A bulldozer arrived about 2pm and sat in my paddock 2 km north of the homestead till Wednesday morning. Access to this communications site is approx. 80mts from the house. I can advise that many vehicles came and went that I actually lost count – still no one advised what was going on.

I lost over 50km of the fencing, water tanks and polyline, a Radiata Pine Forest, a small shed, sheep yards and 10 head of sheep plus some other assets.

I believe that these damages and losses sustained at Balmerah, and the adjacent properties were initiated by the planned and executed incendiary drop for property protection of the Mt Cenn Cruaich Broadcasting site. The Incident Controller must have been unaware the “containment” line was incomplete. The heavy fuel load together with the extreme weather conditions should have been enough to put everything in place and watch and wait. The wind thermals created by sheer rock cliffs together with fire created its own weather pattern. The bush track access alone should have questioned the right to sanction the firebombing in my Uargon Valley. The amount of Retardant dropped around the Communications sites was enough quell any fire.

If this is the type of methodology used to protect all or any critical or emergency infrastructure why are adjoining landowners being used as the sacrificial lamb without any type of restitution? Insurance fire levies should work in the same manner as CTP green slips. If the end result is caused by Government decisions and RFS for the greater good of the community some reparation must be available.

It is my belief that these government departments and public company's inaction contributed to this disaster.

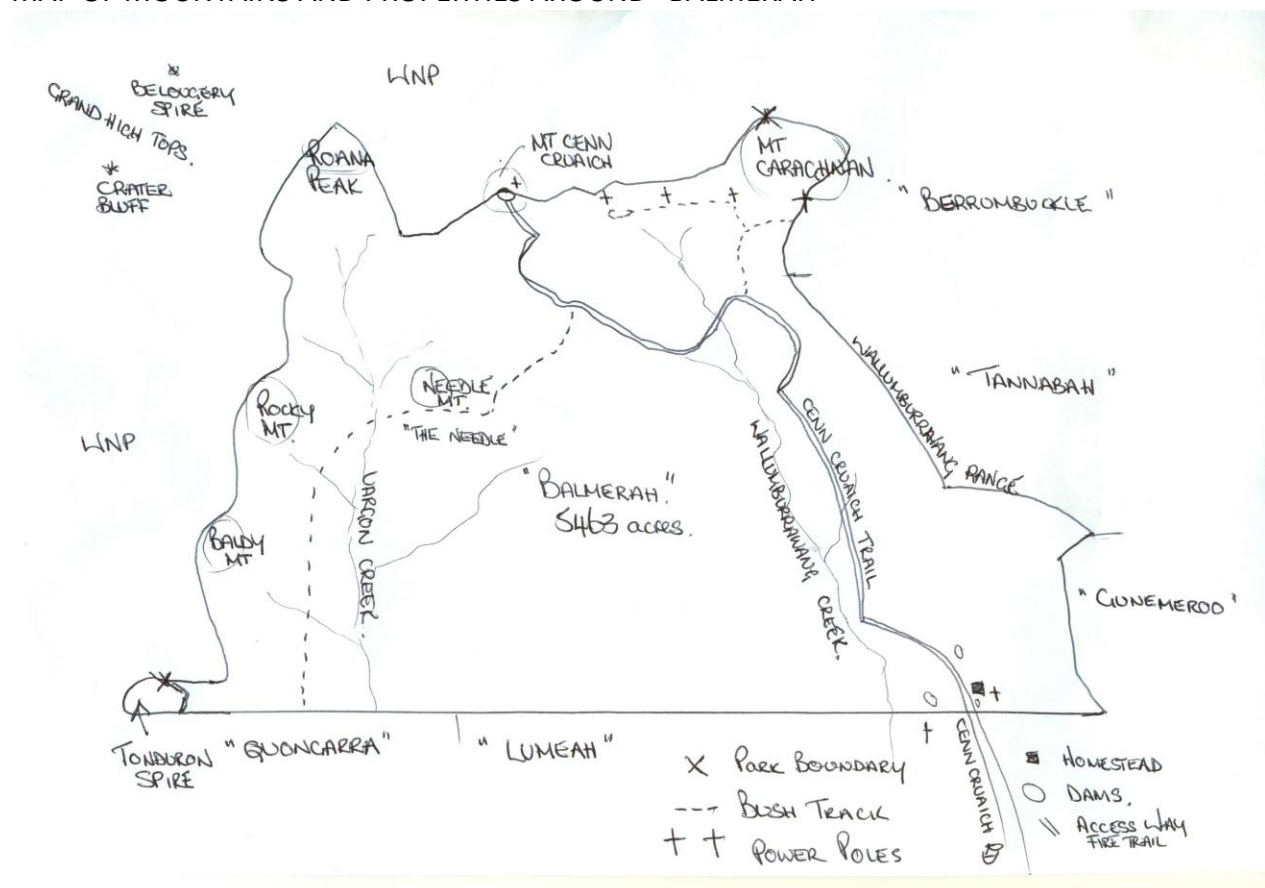
- the Commonwealth Government Dept. of Finance provided no hazard reduction along the Cenn Cruaich Fire Trail, from 1999 Network transmission Sale till last year, and as the fire was coming toward my family home Sen. Penny Wong transferred and Gazetted the Commonwealth Access asset to Broadcast Australia on 17<sup>th</sup> January 2013
- The State Govt. Crown Lands division for letting the licensee allow a build-up of vegetation on the Crown land site and providing no support regarding the access use and land degradation after charging my parents for freehold conversion of Balmerah in 1990 but still leasing out this valuable broadcasting site for the State Government coffers without retaining Crown land access or responsibilities. The State Govt. Native Vegetation Act 2003 for controlling clearing and hazard reduction on private lands.
- The Warrumbungle Shire Council for using LEP, SEPP's and Low impact Facility legislation so that this site is actually exempt, from rules and regulations that adjoining rural

properties are required to adhere to, to the best of my knowledge.

- Castlereagh Bush Fire Management Committee for, to the best of my knowledge, never visiting this site for an evaluation or assessment
- RFS for not implementing the protocols in the BFRMP treatment register since the 2006 plan for the Broadcast Australia site.
- NPWS for failing to notify neighbouring property owners of the initial fire in the Park on the 12<sup>th</sup> January 2013
- And lastly Broadcast Australia (BA) for not instigating any form of hazard reduction or fire safety plan management, especially after their site loss in the 2009 Victorian fires on Mt Tassie, and in not following the advice of the RFS Fire Plan endangered not only the lives of our volunteers and paid fighters, but helped in the execution of pain and suffering to the families, properties, livestock and businesses south of the incendiary line and they (BA) still managed to remain unscathed.

They have been ineffective in their responsibilities with **“duty of care”** in initiating and maintaining adequate property protection measures at the expense of adjacent landowners.

#### MAP OF MOUNTAINS AND PROPERTIES AROUND “BALMERAH”



Local, State and Commonwealth Governments have failed in their “duty of care” allowing a public company leasing out their on-site infrastructure to emergency service providers and others to be irresponsible and neglectful in providing a well maintained area around their sites.

Failure by Government departments and/or agencies concerning follow up inspections and recommendations, to the best of my knowledge, has not happen. Broadcast Australia (BA) to the best of my knowledge claims they are exempt from basic requirements involving local council under Telecommunications Act - Low impact Facility. To the best my knowledge, no one involved in the signing off of the Castlereagh Bush Fire Management Committee (CBFMC) Risk Management Plan has ever visited this site. To the best of my knowledge, our Warrumbungle Shire Mayor had to enquire about the importance of this site and what services were being provided on Mt Cenn Cruaich after the initial fire run.

On Sunday 13<sup>th</sup> the fire front would have impacted on this Broadcasting Site if not for the wind shift. It would have been extremely unlikely anyone could have accessed Mt Cenn Cruaich before the fire had gone over, to prepare the site for approaching flame and ember attack.

Compulsory guidelines should state “ANY TYPE OF CRITICAL INFRASTRUCTURE IN BUSHFIRE PRONE AREAS SHOULD MAINTAIN A “**STAND ALONE**” SITE CRITERIA”.

Broadcast Australia’s site is a liability to all adjacent and surrounding rural landholders. BA failed to maintain a suitable Asset Protection Zone and reduce fuel loads. The effort of paid NSW Fire and Rescue and RFS volunteer fire fighters, the cost of the aircraft dumping endless amounts of retardant around the mountain for 2 days, the releasing of incendiaries on my property without notification, the subsequent death and destruction to livestock, native animals, infrastructure together with devastating sense of loss, mental anguish and physical toll leaves me cold.

The damage left by machinery and the fire is excessive. With my knowledge of this area and the Incident Controllers authorisation to drop incendiaries before the containment line was started, let alone completed in Uargon Valley, made it impossible for ground crew to contain the back burn.

**Fact - a single vehicle track**, not a containment line was traversed. The access was used for water refilling. This single vehicle track was also their escape route. It had an interlocking tree canopy, earth bank one side and steep drop off the other, suitable for only a single 4WD vehicle without any turn around points.

It was only sheer luck that this decision wasn’t fatal.

A major concern that I feel requires addressing is the lack of unity in Government Depts. and geographical names of places. I refer to Needle Mt. The Warrumbungle NPWS and Office of Environment and Heritage (OEH) continually refer to Mt Cenn Cruaich as Needle Mt. They are 2 different mountains 1½ - 2 km apart.

During Wednesday 16<sup>th</sup> some Gowang brigade members and I were on my boundary fence at Mt Caraghnan, in open space, with a dozer, and brigade trucks, in sunshine, no smoke, two exits. RFS PMR radio was requesting that everyone on Needle Mt leave. It was only when a chopper hovered overhead did we realise they were talking to us. The wrong geographical



name was used in their directive; Needle Mt is situated 3km to the west from where we stood.



My bush track entering Uargon Valley and back paddocks. This is the one that RFS used for fire containment and in and out access. Taken after the Fire 6<sup>th</sup> March 2013

ALL PHOTOS HAVE BEEN REDUCED IN SIZE FOR EMAILING



This photo is the same track taken entering the Uargon Valley on 17<sup>th</sup> January 2013 at 10.33pm. This is after being graded for a "containment" line. Courtesy Jodie Forster RFS member

## HISTORY OF THE BROADCASTING SITE and SITE USERS

The broadcast site at Mt Cenn Cruaich was established with the resumption of land by NSW Crown Lands for a public purpose by a gazettal in 1963. It was the highest accessible point in the area. 4 ½ acres was resumed from the Homestead Farm Crown Land lease now a freehold property known as “Balmerah” and 3 acres from what is now the OEH’s Warrumbungle National Park. This site is an isolated parcel approx. 7 ½ acres leased by NSW Crown Land.

In 1965 the Commonwealth Government signed a Section 69a lease with Crown Lands NSW and proceeded to erect a 500’ lattice type tower with buildings to transmit ABC television, Prime television. This was all done by Post Master General’s (PMG) trained broadcast technicians. Telecom also had Radio bearers installed with a telephone exchange some time later, eliminating telegraph poles and wire to all the smaller exchanges in the district and much later installation of mobile services. In the 1980’s with Federal Government aggregation Southern Cross Broadcasting and WIN were installed plus ABC radio transmitters National and Regional. During this time major building works were carried out to accommodate the new transmitters required for the Commercial Broadcasters to broadcast their programmes. Then a 100’ extension to the lattice tower was added. Similarly the Government Radio Network (GRN) installed their hut together with infrastructure on an adjacent tower owned now by Telstra.

After the Federal Government’s National Transmission Network (NTN) Sale in April 1999 the Australian network was privatised. Installations of new infrastructure at Mt Cenn Cruaich site expanded considerably as more companies wished to transmit from this major integral site. New installations included SBS Television and Radio together with Vodafone and Optus. Then the Digital Data link with major upgrades of new aerials and many satellite dishes. Due to more services extra power was required so a 500Kw above ground Emergency Power Plant with associated above ground fuel storage facilities was installed. Major electrical rewiring of this site took nearly 6 months to complete in 2010, a 1.5 Megawatt substation upgrade by Essential Energy was finalised. A new transmitter for ABC News 24 Radio was installed together with aerials. This site recently installed 5 Digital transmitters for all major Television stations including external infrastructure. A major installation of large air-conditioning systems were installed to keep the building cool.

In all there are now 15 major users on this site together with emergency services. This site still requires a major restacking of the aerial and then the installation of the NBN Co, to the best of my knowledge. Every installation requires entry to this site via 6.7km access across private property over unmaintained right of way. To the best of my knowledge, no one with access to this site has ever had an exit plan if fire started on the southern side – one way in one way out.

After 34 years, a Commonwealth owned asset and managed by the government, NTL (Australia) a public company bought the NTN in 1999. Macquarie Bank Ltd purchased the NTN in 2002, re-branding it as Broadcast Australia (BA), the seed asset in the publicly listed Macquarie Communications Infrastructure Group. MCIG, including BA, was sold and subsequently purchased by the Canada Pension Plan Investment Board (CPPIB) in 2009. The access was created by a 1968 Gazettal for the Commonwealth to traverse Balmerah. It was a right to pass across created under the Lands Acquisition Act 1955 – 1966.



Aerial view looking east showing Warrumbungle National Park on the left and foreground, the Mt Cenn Cruaich site, the access way running south, power line easement behind the site and Balmerah on the right.



View looking west toward Crater Bluff and Mt Cenn Cruaich and access way in the foreground. My boundary and the WNP runs from the bottom right corner nearly to Crater Bluff and then to the left (south to Tonduron Spire) - photos taken in 1968



## FIRE HISTORY since 1965

In 1967 storms caused lightning strikes igniting fire in the Warrumbungle National Park (WNP). It engulfed the Mt Cenn Cruaich Television Broadcasting site and burnt “Balmerah” in the top paddock, northern and western boundary fences before being contained.

Warrumbungle National Park Fire Management Strategy Report 2001 – 2006 shows:-

Map 3.1 Major fires since 1950 in Warrumbungle NP shows in October 1967a major fire encroached into Balmerah from Tonduron Spire to Mt Caraghan burning out large acreage and fences and going over the top of Mt Cenn Cruaich.

Map 3.5 Areas of prescribed burns for the previous 10 years (1991 – 2001) shows fire encompass nearly all my boundary on the Western and Northern sides.

2013 Balmerah was totally burnt except for the retardant line around the Broadcasting sites.

## INCENDIARY DROP

During this whole fire incident I was not informed of the plan to “save the tower” till I actually saw the smoke spirals on the western side of Mt Cenn Cruaich on Balmerah. Until this I had no fire within my boundary apart from the northern side of Mt. Caraghnan which had been there since Sunday night. This should have been aerial bombed also with retardant due to the power lines and inaccessibility problems for power supply to the Communications Sites.

Tuesday and Wednesday saw helicopters and aircraft “bomb” the top of Mt Cenn Cruaich with retardant forming a red mountain which is still visible today after 26” rainfall since the fire.

There should be recommendations in place to safeguard all neighbouring rural landholders from this type of threat exposing their livestock, property and livelihood. Being placed in such a vulnerable position, without any warning of this external decision being made, directly impacted on life, created enormous stress levels and is financially crippling. The incendiary drop decision was made without any thought to livestock, native wildlife or private infrastructure. The Incident Controller only thought at that time was to ‘SAVE THE TOWER AT ALL COSTS’ and I image it was very costly. Infrastructure on mountain tops surrounded by harsh terrain with restricted access should have to observe to a local government LEP for Fire Zoning. It is my belief that the decision to drop the incendiaries was made in haste and without any ground understanding.



Incendiary drop western  
side of Mt Cenn Cruaich  
7.34pm 16<sup>th</sup> January 2013  
Photo taken by me from  
my house 5km away

### WATER SUPPLY

To the best of my knowledge, the National Park has limited accessible supply. It relies on water tankers or private land owners for this resource. Balmerah relies on springs and water tanks more than dams. Apart from one spring fed dam near Mt Caraghnan all available water sources for aircraft are around the homestead.

It is vital that reliable water sources are marked correctly on all maps used for firefighting crews especially for out of area brigades.

The water required for the western side back burn was supplied by A Cat 1 tanker water capacity up to 4,000litres. The truck and crew had to negotiate approx. 10km of very steep single vehicle only road to fill at the house and return to the base of Mt Cenn Cruaich for refilling the Cat 9 vehicles. The access track to Uargon is only suitable for a small 4WD vehicle.

During the 17<sup>th</sup> January 2013 the several dams located near my homestead were used for refilling aircraft. One dam was used for the Cat 1 tanker and another dam for helicopters. At one stage 3 choppers were waiting hovering in line while the 4<sup>th</sup> refilled. One chopper tried to take water from a smaller dam in my house paddock where my stock was held. He could have become entangled in overhead power lines.

During this refilling operation a water bucket was caught on a submerged steel post and was torn. I tried to warn the pilots but could not contact them. The cost of a phone call advising me could have not only saved the water bucket, the replacement cost but the downtime to find a replacement bucket and lost firefighting capabilities.



Chopper taking water from  
dam at house overhead  
power lines

### NATIONAL PARKS AND WILDLIFE SERVICES AND RFS NOTIFICATION

Being one of the neighbours to the National Park I am regularly advised when Parks are aerial culling feral animals, putting out fox baits or planning a prescribed burn. Along common boundary is the Mt. Cenn Cruaich Broadcasting Site and further North East the Siding Springs Observatory.

The RFS requires property owners to advise Fire Control Centre, Local RFS Brigade Captain and neighbouring property owners for any hazard reduction, permits or fire but we weren't afforded the same.

My brigade Captain rang to say he had heard via the RFS radio but not advised by Fire Control Centre there was a fire in the National Park on Saturday afternoon being 12/1/13.

I rang Fire Control Centre at Coonabarabran Sunday morning early after driving up to check the fire from Mt Cenn Cruaich as the fire appeared much larger than on Saturday evening but was told there was nothing to worry about. Mid-morning I phoned again after driving to Mt Cenn Cruaich to view a huge fire and asked if I needed a fire plan. The reply was "you should have one". I said I do but asked if I needed a much bigger one (Fire Plan) - I did not receive an answer.

A Section 44 was declared around then.

National Parks and RFS have property contact numbers – all brigade Captains have lists. Delegating some of the responsibility for notification to local brigades if Fire Control Centre is overwhelmed seems logical. This is especially necessary in mountainous areas where black spots occur for mobile phones.



Photo taken from Mt Cenn Cruaich Broadcasting site on the evening of 12/1/13  
Early Sunday morning 13<sup>th</sup> the fire was at least 4 times the size

### **FIRE TRAILS IN THE NATIONAL PARK**

To the best of my knowledge there is no fire trail on the southern side of the Park that runs east west. Apart from the main road known as Jack Renshaw Parkway through the centre and the Newell Highway to the south there is nothing in the way of a Fire Trail. The Youtha Fire trail on the southern side of the park ends on the Park boundary and the Strathmore Fire Trail stops on the northern side of Mt Caraghnan. In between these are mountainous terrain and rock flows making it unapproachable for a vehicle access on the National Park side.

WNP Fire Management Plan 2001-6 states "the steepest areas are located in the Grand High Tops area (NW of my boundary) and along most of the boundary areas.

The National Park asks to use my bush track traversing Uargon Valley for access to prevent, contain or inspect any hazard reduction or fire that may escape either from either side.

With this in mind the "Fencing agreement" the OEH and National Parks propose is very lopsided. It is a fact my boundary fence has been destroyed or damaged on more than one occasion since 1965 from fire escaping from the National Park, either lightning, hazard reduction or escaped fires.

Terms of Agreement for the Fencing Assistance for the Wambelong fire damage states "the Office of Environment and Heritage NSW NPWS will not be responsible for the maintenance of the fence line into the future". They will pay for their side "agreed costs" for necessary clearing up to 6 metres of the boundary fence line ( I assume the trash will be pushed onto adjacent private land and then private property owners will have to clear not only their trash but the 6 metres of NPWS as well) and it must not deviate from the existing location. They will purchase and supply pre-existing type materials of an agreed quantity but it must be erected within 6 months or be returned. To the best of my knowledge I have in excess of 12km of mountainous boundary with the NP.

One solution could be for the National Park to construct a NP fire trail around their side of the boundary so that property and infrastructure on Balmerah is not as exposed to fire as it has been the last 4 ½ decades.

Essential Energy's responsibility to protect pole and wire infrastructure in fire prone declared areas could provide "containment line" access under their gazetted easements. Ease of access in the event of storms, fire or maintenance would make repairs or defending assets safer for employees or volunteers. Chances of fallen trees becoming a fire hazard could be reduced.

### CASTLEREAGH BUSH FIRE MANAGEMENT COMMITTEE

To the best of my knowledge no committee member from the CBFMC has ever visited this critical infrastructure site on Mt Cenn Cruaich prior to the Wambelong fire.

The action plans listed in the Bush Fire Risk Management 2006 to the best of my knowledge, were never implemented and again in BFRMP 2012 to date, to the best of my knowledge, have not been implemented. The latest Essential Energy's power line vegetation maintenance was in 2012 but the removed vegetation was left on site. It can be found on site, stacked adjacent to the power poles, saved from fire due to the retardant drop.

Whilst it is in the public's interest for recommendations to be made for the protection of critical infrastructure by this committee I find it unacceptable that when the RFS (with a representative on the CBFMC) need to gain access to their communications equipment on the Essential Energy Site below the Mt Cenn Cruaich they ring me at times for access as their issued key does not fit the lock but fail to notify me of the inclusion in property protection plan for the Communications sites that involved a Fire Trail access involving 6.7km over my property.

### Fire Trail Register

The Castlereagh Bush Fire Management Committee (CBFMC) listed on the Bush Fire Risk Management Plan (BFRMP) 2006 a Fire Trail known as TV Road - Agency LGA – BFCC Primary – Length 13.71km.

Now listed in **BFRMP dated 2012** in Castlereagh Zone known as Cenn Cruaich Trail - Length 6.719km –date entered 7/12/2010 – Trail class Essential – Vehicle Category 1 – Land Manager Private - Type Fire Trail.

It was after the Wambelong fire that I found out this access was fire trail listed. At no stage was I informed of this decision yet it traverses my freehold property from the southern boundary to the northern boundary and requires an annual action plan on my land.

### Asset Register

The **BFRMP Asset Register Map reference No 88** at number 3 (in order of priority – 1B) states in the Treatment Register that it requires yearly action to inspect and maintain the Asset Protection Zone including the fire trail and access road. To the best of my knowledge, nobody



has been in to inspect in the last 12 months.

In early November a fire damaged tree dropped a large limb across the access way, resulting in vehicles wishing to access this site must drive around on a sloped bank. The tree limb is still there today over 3 ½ months on.

### **BFRMP Asset Register Map reference No 86 and No 87**

In 2011 Steve O'Callaghan RFS inspected and lodged a Bushfire Hazard Reduction (Cert HR 10102846412-3) at the lower sites for Essential Energy and a Private Comms hut and this was completed in December 2011.

Asset 86 is the Essential Energy site not Country Energy (name has not been changed) houses a total of 9 emergency and essential services including the RFS, police and ambulance.

Asset 87 houses the Roads and Maritime Services.

### **Bush Fire Risk Management Planning**

This plan does not state the critical infrastructure site at Mt Cenn Cruaich is:-

Access is **"ONE WAY IN ONE WAY OUT"**.

That if a fire starts on the southern side in private property there most likely will be NO VEHICLE access.

That all sites situated on isolated mountain tops should be **STAND ALONE** sites.

Since the privatising of the NTN in 1999, either Commonwealth's right of access or Broadcast Australia's site have been maintained to the same standard prior to the sale, to the best of my knowledge. Weed, pest and fire management standards have declined steadily. To the best of my knowledge, nothing in the BFRMP has been implemented let alone inspected. We as farmers and graziers do our best to initiate our bushfire plans for the safety of our stock, property infrastructure and livelihood in our RURAL SETTING.

By critical infrastructure sites in locations on the tops of timbered mountains in rural zonings possibly adjacent to National Parks the Government authorities should have implemented mandatory enforceable protocols. (Mt Cenn Cruaich has been exposed wildfire for the 2<sup>nd</sup> time in half a century.) An example of this is the devastating Canberra fires and the protocols the came out of the MT Stromlo devastation. Without the prescribed fire hazard reduction regime and maintenance the Observatory at Sidings Springs could have sustained a similar fate.

### **Access to Mt Cenn Cruaich for Emergency Services, Television Broadcasting, Radio, Telecommunications and other Government Dept. Sites**

This access way was built and gazetted 1968 for the Commonwealth Government to use for access to their Broadcasting site on Mt Cenn Cruaich. Annual maintenance work was carried for the Post Master Generals Dept. (PMG) by our Coonabarabran Shire Council across 6.7km access way over our property. From 1965 when building commenced on Mt Cenn Cruaich the Commonwealth had never paid to use the leasehold land the access traversed. In 1990 the property was converted to freehold land but still no remuneration. Shire Rates and Local Land Services rates and levies on the 66' wide gazetted area of land are paid by me. Previously the Commonwealth maintained and used it. Now Broadcast Australia and its' 15+ site licensees do.

To date apart from removal of road edge vegetation on one occasion since this privatisation BA has ignored my requests as the property owner, for regular maintenance and allowed a build-up of regrowth along this access way. Now if it is to be removed, the current legislation requirements will need to be met, or the Native Vegetation Act 2003 will be breached. This access way, also now known on the CBFMP Fire Trail Register as Cenn Cruaich Trail, traverses private freehold property. A Ground Truthing operation has not been done along this 6.7km access and it deviates from the 1968 Gazettal's chartered survey marks.

Justice Bergin in the Supreme Court hearing in 2011 (Broadcast Australia Pty Ltd v Kim Noonan & Anor [2011] NSWSC 1524) <http://www.caselaw.nsw.gov.au/> handed down in her decision that the right of access was still held by the Commonwealth and they had allowed Broadcast Australia to use it. On 17th January 2013 Sen. Penny Wong transferred the Commonwealth Asset for access [Gazettal No. 3 of 2013 (pp223-225)] <http://www.comlaw.gov.au/Details/C2013G00123> to BA while this matter was lodged in the Court of Appeal.

Now into the 13<sup>th</sup> month since the Wambelong Fire Broadcast Australia Pty Limited (BAPL) now the "owner" of the right of access has not undertaken any form of remedial work on fire damaged safety mirrors or burnt guide posts. To the best of my knowledge, no hazard reduction or any form of maintenance has been attempted yet this access way is used constantly and listed as a Category 1 Essential Fire Trail.

Broadcast Australia describes itself as "the 'neutral host' for a multitude of customers across a range of technologies utilising its transmission infrastructure." It seems to me that any customer requires safe access especially in emergencies and because this access is across private land accessible by a Broadcast Australia issued key, they now, apparently, disregard issues of workplace health and safety for any site user.



Taken 11<sup>th</sup> November 2013

Access to Mt Cenn Cruaich  
Broadcasting Site—Category 1  
Essential Fire Trail



Taken 11<sup>th</sup> January 2014

Since 11/11/13 to 15/1/14 I have witnessed BA employees and contractors attending this site on 24 occasions that I am aware of. In that period there were another 20 vehicles who share this Broadcasting Site who used this access.

### **OTHER CROWN LAND AND ISOLATED SITES IN NSW with IMPORTANT INFRASTRUCTURE**

With this in mind a letter dated 12/2/2013 to IPART (Independent Pricing and Regulatory Tribunal) regarding Rental on Crown Land sites from Broadcast Australia's Mr Graeme Barclay (Group CEO) states "BA's network covers over 580 transmission sites across Australia, 140 sites in NSW and BA is the controller of 20 sites situated on Crown Land. BA's relationship with the relevant land management agencies are as follows -

- 15 sites with Crown Lands Division of Dept. Primary Industries, Catchment and Lands
- 4 sites with National Parks and Wildlife of Office of Environment and Heritage
- 1 site with Forestry NSW

On 7<sup>th</sup> February 2009 one of the most severely impacted Broadcast Australia sites was at Mt Tassie, 29 km south of Traralgon Victoria engulfing the generator room and office, damaging the generator, battery banks and control systems. This site actually had a BA staff member on site otherwise this scenario may have been devastating.

[Information from Broadcast Australia's media site Black Saturday at Mt Tassie June 2011]

In December 2010, BA Field Services Regional Manager, reported that many transmission sites on isolated peaks and remote high ground across Australia are at risk from bushfire damage. "Prior to the commencement of the bushfire season, we undertake a range of activities to make sure our sites are protected as much as possible," he said. [Information from Broadcast Australia's media site November 2010 Bushfires a Burning Issue]





15<sup>th</sup> September 2012 access track around the Crown land site at Mt Cenn Cruaich before the fire showing heavy timber near BA's Mt Cenn Cruaich Site Compound fence – it is still there.



Taken 6/2/13

Views of the south-eastern corner outside the  
compound fence at the Broadcast Australia Mt Cenn  
Cruaich Site





Cenn Cruaich Fire  
Trail between  
Essential Energy  
site and BA site

Taken 5/3/13

The left hand side  
of the Armco railing  
was back burnt –  
Armco railing on  
right hardly visible  
for the vegetation

I would like to thank the Committee for taking the time to read my submission and allowing me the opportunity to put forward my submission. I believe that some of the information I have supplied may assist in changing some of the procedures used not only in this Wambelong enquiry but in the future.

By being pre-emptive the devastating losses to individuals' physically, emotionally or financially could be minimised. The price paid by the environment is incalculable as well as detrimental. But the cost associated with preventative measures pale into insignificance to the total costs incurred with the declaring of Section 44's and 33's and "state of emergency" scenarios.

*More photos are available on request.*