

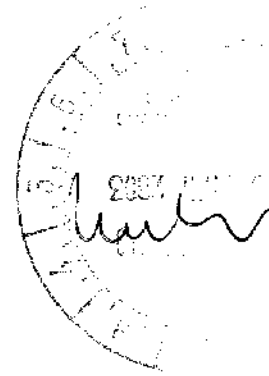


8<sup>th</sup> May 2003

Date

Refer enquiries to

The Committee Secretary  
 Select Committee on Recent Australian Bushfires  
 Parliament House  
 CANBERRA ACT 2600



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Dear Sir,

I refer to your recently published Terms of Reference and provide the following material for consideration by your Committee, chaired by Hon Gary Nairn MP.

Mitcham City Council has within its jurisdiction a considerable part of the Adelaide Hills. Much of this area is given over to residential development, with some 17,000 homes situated in bushland type settings similar to towns and villages in the Blue Mountains of New South Wales, but in much closer proximity to the heart of Adelaide.

In fire fighting terms, the area is known as Region 1 and is regarded as the most populated fire prone area in South Australia.

The area is partly dominated by a national park of some 500 hectares (Belair National Park) and, combined with tracts of undeveloped woodlands, is mostly within 10 to 15 minutes drive of the central Adelaide precinct. The area we talk about represents one of the highest fire risk places in an urban context in Australia, an area that was mostly devastated by fires like the 1954 fires, styled Black Sunday, and an area badly affected by the Ash Wednesday fires in 1983.

Given the fire risk within this precinct, there is, as you would expect, a regular level of activity aimed at educating and minimising the risk of fire. Householders are advised to reduce fuel loads, properties are extensively inspected, appropriate orders issued on landowners where necessary and generally there is a sensible level of awareness when it comes to dealing with fire matters. Local volunteer fire brigades are reasonably well equipped and when fire occurs sirens and beepers sound across the hills community and brigades have the capacity to react quickly to quell fires originating locally.

Notwithstanding all the measures we have in place, we still expect that periodically a large fire will accumulate, usually in conditions of high winds (40-50 kilometres per hour), combined with high summer temperatures, and move through and directly impact on many hills homes. A percentage of householders are well prepared for such an event, having installed water tanks, fire fighting pumps, hoses and sprinkler systems. However, the majority, in our view, are not well prepared. Those that have good fire fighting equipment, we expect would be inclined to defend their homes against a large fire front, especially if they have had some basic training in fire fighting techniques. Owners of many of those homes where fire fighting equipment has been installed have undergone some fire fighting training, usually in conjunction with their local fire brigades. Having said that, many people, if not the majority, we expect will choose to leave their homes when faced with a large fire front moving through the

area. We expect that the situation could be somewhat stressful and chaotic, given the very limited road exit capacity and the possibility of roads becoming blocked.

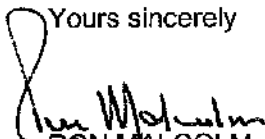
One heading on which we feel much more could be done to effectively reduce the intensity and spread of fire, is to ensure better management of urban type woodland areas and particularly urban fringe national parks. Better management from a fire prevention perspective in these areas, we regard as essential. In the case of Belair National Park, the park is surrounded by residential property. Under a repeat of the Ash Wednesday conditions and given a hot northerly wind, a fire would sweep through this national park, given the fuel loads within it, impacting on surrounding suburbs, with the very distinct possibility of extensive damage to property and risk to life. Given the density of woodlands within this national park and the fuel loads on the ground, we very much doubt that fire fighters could bring a large fire front under adequate control and, similarly to Canberra, the embers alone would carry well into the surrounding residential properties. In our view, what is required is a concerted effort to provide much improved fire breaks around these parkland type areas and throughout each of these parks, to give the opportunity to our fire fighting volunteers to exercise a higher level of control over any blaze.

An equally important issue is the unusual situation that has occurred in the Adelaide foothills with the invasion of feral olive trees. Olive trees, given their unusually high oil content, burn intensely. The woodland reserve areas of Mitcham that form part of the Hills Face Zone are thick with feral olives. A comprehensive program supported by other levels of government to remove these feral olives, would in our opinion markedly reduce the intensity and spread of fire in the Adelaide hills.

We have taken the opportunity to attach for your examination two documents. One document entitled "Woody Weed Removal in Woodland Reserves", dated August 2001, sets out with a high level of precision and research the work that is required to markedly reduce the feral olive infestation that has occurred in the Adelaide foothills. The second document entitled "Premier's Bushfire Summit", dated 2003 is a copy of this Council's submission to a recent South Australian summit. This document largely deals with important legislative and administrative issues that, in our view, need attention in this State and no doubt in other States in Australia.

Would you please acknowledge receipt of this material. Moreover, we would appreciate the opportunity of showing Gary Nairn and his committee members first hand the opportunities we believe are available to make a significant advance on reducing the fire risk and its likely effects within the Adelaide foothills precinct.

Yours sincerely



RON MALCOLM

CHIEF EXECUTIVE OFFICER

cc:

Premier's Bushfire Summit 2003, South Australia

CITY OF



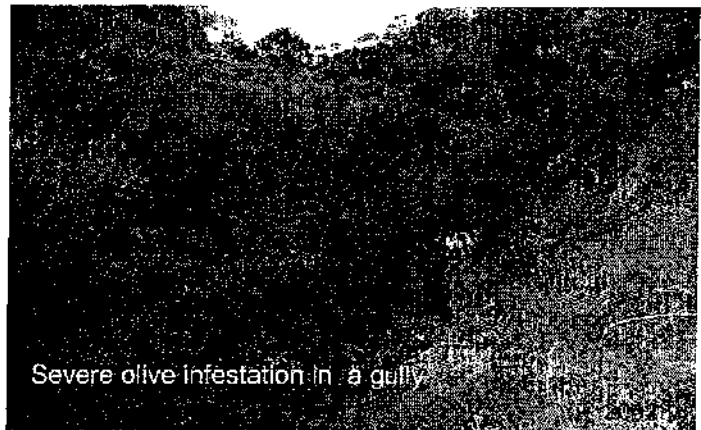
MITCHAM

PREMIER'S BUSHFIRE SUMMIT 2003

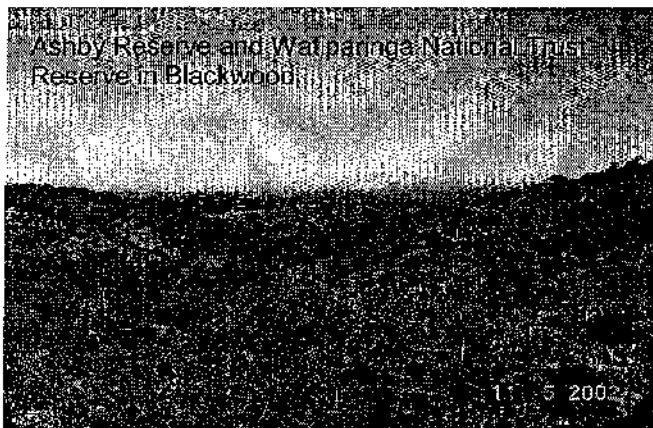
# CITY OF MITCHAM



Grey box woodland at Balair Reserve  
(southern section)



Severe olive infestation in a gully



Ashby Reserve and Watparinge National Trust  
Reserve in Blackwood

1 5 2003

## Submission

2 May 2003

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# INTRODUCTION

The City of Mitcham commends the State Government for conducting a statewide bushfire summit. A summit of this magnitude is long overdue in an attempt to bring together all stakeholders in order to raise issues of concern with the aim of finding suitable solutions to bushfire management.

It is with much consideration and concern that the City of Mitcham presents this submission to the Premier's Bushfire Summit Secretariat.

## 1. Background

*Ashby Reserve, Blackwood:  
note houses on the ridge line*



A significant portion of the City of Mitcham, is situated in a high fire risk region as identified by the Country Fire Service (CFS). This area (59km<sup>2</sup>) is commonly referred to as the "Mitcham Hills" and is situated approximately ten kilometers south of Adelaide's CBD.

There are a number of factors that create a potential bushfire disaster in the Mitcham Hills, such as:

- *Population* - 17,000 households
- *Topography* - steep slopes and gullies on the western portion of the Mount Lofty Ranges (see photograph above). This places restrictions on locating fire tracks and methods of responding to fires.
- *Bushland Reserves* - are generally areas unsuitable for development such as former quarries and steep grazing land. The City of Mitcham is responsible for approximately 500 hectares of bushland and road reserves, with State Government managing in excess of 1,000 hectares. These reserves contain important stands of remnant native vegetation. Many species of flora and fauna in the reserves have conservation ratings of Commonwealth, State and regional significance.
- *Urbanisation* - all bushland reserves are surrounded by residential development. Many dwellings are at the top of a gully or ridge in the direct path of a fire. Depending on prevailing winds, fire tends to travel uphill and at much faster speeds than on flat terrain.
- *Poor Land Management Practices* - are contributing to the fire risk by landowners failing to undertake simple actions such as maintaining fuel breaks, and controlling

weeds (i.e. olives) which increase fuel loads and fire intensity. This problem is exacerbated in areas where farming land has been subdivided and developed for rural living (e.g Brownhill Creek). The cost and long term commitment to managing these properties is often ignored. The financial cost of weed control can exceed a property's market value.

- *Apathy and Awareness* - many properties are simply ill prepared and apathy amongst the community is prominent. In part this may be due to the absence of a serious fire in the Mitcham Hills for decades, and an attitude that "it won't happen to me."
- *Access Routes* - in the event of a major bushfire, people fleeing the Mitcham Hills for the plains will be confronted with limited escape routes via Belair Road, Old Belair Road and Shepherds Hill Road which will become congested. In such a scenario residents and emergency crews will be trapped on these roads while the fire passes through the area. Many narrow streets throughout suburbs such as Eden Hills where cars are parked on the street also create potential fire traps.
- *Funding* - to date, the City of Mitcham has been unsuccessful in attempts to access funding from Commonwealth and State Governments. Funding has been sought to expand Council's current fuel load reduction programs in 500 hectares of bushland and road reserves.

When one considers the physical and social characteristics of the Mitcham Hills it is reasonable to hypothesize that a devastating bushfire is on the radar.

The Mitcham Hills contain the following suburbs:<sup>1</sup>

Bedford Park	Crafers West	Mitcham
Belair	Craigburn Farm	Panorama
Bellevue Heights	Eden Hills	Pasadena
Blackwood	Glenalta	Springfield
Brownhill Creek	Hawthorndene	Upper Sturt
Clapham	Leawood Gardens	Urrbrae
Coromandel Valley	Lynton	Torrens Park

<sup>1</sup> Mitcham District Bushfire Prevention Committee (2003) *Draft Bushfire Prevention Plan 2003*.

## 2. The Conflict - Bushfire Prevention v Conservation



The City of Mitcham considers both bushfire prevention and conservation of ecosystems as high priorities. However, they are often perceived as having conflicting outcomes.

The community has high expectations of Council to reduce the bushfire threat, especially amongst residents that reside in high risk regions and/or adjoin bushland reserves. At times this

culminates in outcries to clear indigenous vegetation and weeds such as olives from both private and community land. However, the preservation of indigenous flora is important not only from an ecological perspective but also aesthetics, character of an area and possibly property values.

Subsequently, Council faces arguments such as:

- Clear all vegetation as it poses a fire hazard;
- Don't clear indigenous vegetation as it has an important habitat value and less than 10% of pre-European vegetation remains in the Mount Lofty Ranges. The Mitcham Hills contain the Grey Box Woodland plant association which has been assigned a priority four conservation rating; - less than 4% of this plant association remains.
- Clearing of weeds and fuel breaks increase weed incursion into bushland and can increase fuel loads when resources aren't available to manage weed regrowth;

Council is faced with the dilemma of balancing various community values. However, Council also has legislative responsibilities which it needs to fulfill.

### Recommendations

2(a) Community education on sustainable bushfire prevention practices and value of protecting native flora and fauna. This can include publicising research and case studies of sustainable practices.

2(b) Community education on best practice bushfire prevention in bushland environments.

### **3. Legislation**

#### **3.1 *Inconsistencies between Acts***

The Acts that Council finds pertinent to bushfire prevention are the Country Fires Act 1989, Native Vegetation Act 1991, Development Act 1993 and Local Government Act 1999.

Council recently sought legal opinion from its solicitors on a number of issues regarding bushfire prevention and interrelationships of these Acts (except the Local Government Act). It is important to state that the significant tree legislation under the Development Act is currently under review and may address some of the recommendations listed below. Currently, there are a number of inconsistencies between the Acts which need to be rectified and are briefly explained below.

##### **- Country Fires Act 1989 v Development Act 1993**

In the City of Mitcham both the Country Fires Act and significant tree legislation (Development Act) apply.<sup>2</sup> Therefore, Council's fire prevention officer (FPO) can not issue a Section 40 notice requiring a landowner to remove or substantially prune a significant tree. The owner can only be advised to submit a development application for this activity with an onus on the resident to prove that the tree is a fire hazard and removal is the only suitable remedy. Council requires that the tree is assessed by a suitably qualified person regarding the hazard type and advice must be provided with the development application. A problem arises when the landowner refuses to submit a development application for tree removal (if it is a legitimate fire hazard) which also poses a hazard to a nearby property. Therefore, the tree is not removed, and the fire hazard remains. The only right of appeal for the concerned neighbor may be the courts. Any changes to the Acts must have safeguards against over zealous individuals or fire prevention officers clearing significant trees which do not pose legitimate fire hazards. There is a potential for an individual to cry "fire hazard" to have significant trees removed for other motives.

##### **- Native Vegetation Act 1991 v Development Act 1993**

In the City of Mitcham both the Native Vegetation Act and significant tree legislation (Development Act) apply. Consequently, there is an inconsistency between the statutes that allow clearing of native vegetation around dwellings for

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<sup>2</sup> Kelly, P. (2003) Norman Waterhouse advice to the City of Mitcham re: Country fires Act 1989, Native Vegetation Act 1991 and the Development Act 1993.



fire protection (Regulation 3, Native Vegetation Act) and retention of significant trees, or protection of them against tree damaging activities (Development Act).<sup>3</sup>

As stated earlier, any proposed amendments to the Acts need to safeguard against overzealous clearing of significant trees.

### **Recommendations**

3.1(a) Resolve inconsistencies between the Country Fires Act 1989, Native Vegetation Act 1991 and Development Act 1993.

3.1(b) Provide a clear direction as to which is the overriding Act.

## **3.2 Country Fires Act 1989**

### **3.2.1 What is "reasonable?"**

The term "reasonable" and "reasonable action" features prominently in the Country Fires Act and thus provides poor direction to landowners. In addition there is little detail on appropriate bushfire prevention practices in legislation. Consequently, this makes it somewhat difficult for a landowner or responsible authority to determine whether or not their bushfire prevention works and policies are in fact "reasonable." The Act is silent on this issue. However, it would seem practical to at least provide a list of mandatory requirements and codes of practice that all landowners must undertake in high fire risk regions, i.e. five metre fuel breaks. The onus can not be placed on a single FPO to ensure that each household or property is complying, nor is the Country Fires Act worded as such.

With the lack of comprehensive regulations, standards, codes of practice clearly stating what FPOs must enforce or abide by, how does Council demonstrate it is acting "reasonably" in relation to the Act, i.e. enforcement and managing community lands? Moreover, as the FPOs employer how can Council effectively assess the satisfactory performance or otherwise of the FPO?

Another issues of concern is achieving a balance between bushfire prevention and "proper land management principles" (s.40(3), 41(2) and 3(2) definition of "bushfire prevention")? One view may be to completely remove all elevated fuel loads and reduce grass height to 100 millimeters, thereby destroying natural habitats. Another view is not to disturb any soil or vegetation as this increases weed incursion and erosion. Guidance specific to what are reasonable prevention works in bushland environments is required. This may be addressed in Recommendation 2(a).

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<sup>3</sup> Kelly, P. (2003) Norman Waterhouse advice to the City of Mitcham re: Country fires Act 1989, Native Vegetation Act 1991 and the Development Act 1993.

## **Recommendations**

3.2(a) Develop a set of mandatory requirements and codes of practice for bush fire prevention that all landowners can implement.

3.2(b) Develop an assessment to determine whether or not Councils (and other landowners) are acting reasonably in relation their obligations under the Act.

3.2(c) Develop an assessment tool for fire prevention officers (regarding their performance) so they can demonstrate to their employer that they are performing

### **3.2.2 Strengthening the Country Fires Act**

Upon the advice of Council's FPO, a number of key issues need to be amended or added to the Act and are listed below. Many of the recommendations address Section 40 notices and expiation fines.

#### **Recommendations**

3.2.2(a) Prescribe set distances for hazard reduction.

3.2.2(b) Enable power of entry by FPOs onto land being inspected, irrespective of refusal by the landowner provided adequate notice has been given (currently a warrant is required).

3.2.2(c) Section 40 notices are to be issued for an entire season (currently a notice must be re-issued if the landowner initially complies but later neglects the property, say two months later).

3.2.2(d) Standardise Section 40 notices throughout a region, or the state.

3.2.2(e) Expiation notices for: neglect during the fire season; neglect to implement mandatory requirements or codes of practice; CFS attending a small fire from burning of rubbish (or similar activity); and a resident failing to comply with a Section 40 notice. It is recommended that all expiation fine revenue is redirected back into local fire prevention and administered by the district bushfire prevention committee.

3.2.2(f) FPOs to inspect properties any time of the year, especially during the off season to issue landowners with work orders to mitigate hazards. This is necessary for long term works programs in order to reduce pest plants that may dramatically increase fuel loads, and can not safely be removed during late spring. If the notice is not complied with by the start of the fire season, an on the spot fine would be issued, followed by a Section 40 notice to mitigate the hazard within fourteen days. Failing this, Council would enforce the notice by engaging a contractor to undertake the necessary works and recover the costs as a debt against the property.

### **Recommendations**

3.2.2(g) District Bushfire Prevention Committee to have overriding powers regarding hazard reduction. Therefore, each committee would require representation by CFS, Council, Native Vegetation Council (or similar) and any other relevant person considered necessary for that district. This would achieve faster on-ground results and avoid lengthy delays.

3.2.2(h) Annual bushfire summits in each region to debate, educate and find solutions to issues of concern.

3.2.2(i) State bushfire prevention summit on a three to five years basis.

3.2.2(j) A devolved grant scheme, using the emergency services levy and administered by the District Bushfire Prevention Committee. The monies will fund priority prevention works on private and public lands considered urgent for that particular season.

3.2.2(k) State Government to provide an incentive scheme for landowners in high fire risk zones to install large rainwater tanks (with a diesel pump and standard outlets for CFS hoses) for fire fighting purposes and ensuring an adequate water supply for CFS brigades.

## **4. Prevention v Suppression**

A united voice amongst CFS staff and volunteers is required when advising landowners of their obligations in regards to the Country Fires Act. With regard to landowners the Act is concerned with bushfire prevention as opposed to suppression. It appears that there is disagreement within CFS on the two very different fire management approaches. Certainly the two approaches are essential, but landowners such as Council and residents must fulfill their statutory obligations under the Country Fires Act which specifies "prevention" as their obligation.

Conflicting advice is being put forward to landowners and even fire prevention committees which has the potential to result in breaches of the Country Fires Act. This can occur by landowners of committees directing resources and efforts to suppression activities at the detriment of prevention outcomes.

### **Recommendations**

4(a) Consistent message by all members of the CFS to landowners and bushfire prevention committees on their obligations to bushfire prevention and overall role in fire management.

4(b) Community education (and to bushfire prevention committees) on what are prevention v suppression activities. Often the two are blurred.

## 5. Building Regulations of Australia

Regardless of new developments or existing, all buildings in high fire risk regions should be adequately protected for the effects of a bushfire which may include having an adequate water supply in large rainwater tanks (with standard CFS outlets), roof sprinklers and metal shutters.

### Recommendations

5(a) Review building regulations for high fire risk areas and consider increasing protective measures that need to be installed in all buildings. Apply the same (where practicable) or modified measures to buildings that were constructed before the regulations took effect.

## 6. State Government Reserves

Through National Parks and Wildlife SA and the National Trust, over 1,000 hectares in the Mitcham Hills (mostly bushland) is the responsibility of the State Government.

As stated earlier, many of the bushland reserves border residential developments posing serious fire hazards to the community. Most areas of the reserves are infested with weed infestations that increase fuel loads and at the same time are expensive to remove.

It is unpopular to request private landowners to institute sound land management practices when the State Government appears unwilling to commit serious resources to the issue on land under its control. A case in point is Brownhill Creek Recreation Park which is highly degraded with severe weed infestations. Council and the Patawalonga Catchment Water Management Board are working with landholders in Brownhill Creek to develop land management plans which include long term weed control programs. Uncooperative landholders will be issued a Section 58 notice (clean up order) under the Animal and Plant Control (Agricultural and Other Purposes) Act. However, National Parks and Wildlife SA are exempt from this legislation. Landholders adjacent to the recreation park are discouraged by this and the lack of action (resources available) to control weeds within the park.

### Recommendations

6(a) State Government must lead from the front in managing land under its control to protect its community and environment. An increase in resources is required for managing these lands.

6(b) State Government to provide matching funds to Councils undertaking fuel hazard reduction programs to increase on ground outcomes.

## 7. Integration

The Local Government Act 1999 requires Councils "to take measures to protect its area from natural and other hazards and to mitigate the effect of such hazards" (Section 7 (d)).<sup>4</sup> In response the Local Government Association has produced a manual highlighting Council's role in hazard and emergency management. It is clear all spheres of government and community have a role in emergency risk management, with some possible overlap. Therefore, it is important to improve communication, avoid duplication, address gaps, maximize resource effectiveness/efficiency and involve key stakeholders in all levels of planning. One area in which communication and integration may be improved are the divisional disaster plans.

### Recommendations

7(a) Improve integration by key stakeholders on the four components of emergency management (re bushfire) being prevention, preparedness, response and recovery.

## SUMMARY

The City of Mitcham is unique in that it lies within the Adelaide metropolitan area and contains attributes which make it extremely difficult to protect and mitigate the effects of bushfire to a population of 17,000 households. Some of these attributes include steep, inaccessible terrain, a vast network of bushland reserves, dwellings adjacent to bushland, widespread apathy and poorly managed properties. With conditions similar to Ash Wednesday, a fire starting in the Mitcham Hills can have devastating consequences well beyond Council's boundary.

Should you require further clarification or wish to discuss any items in more detail, please contact Jacob Kochergen on Telephone (08) 8372 8888 or by e-mail [jkochergen@mitchamcouncil.sa.gov.au](mailto:jkochergen@mitchamcouncil.sa.gov.au).

Yours sincerely

CON THEODOROUKES  
**DIRECTOR, ENGINEERING & ENVIRONMENTAL SERVICES**

Enc 3/3/03 City of Mitcham letter to Norman Waterhouse  
15/4/03 Norman Waterhouse response to the City of Mitcham

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<sup>4</sup> Local Government Association (2001) *Local Government Emergency Risk Management Manual: Guidelines for Emergency Management/Hazard Mitigation Planning*.