

# **Lancefield-Cobaw Fire Investigation**

## **Issues not within the Terms of Reference**

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Prepared by the Independent Lancefield-Cobaw Fire Investigation Team

### **ABSTRACT**

During the investigation a number of important issues were raised that did not fall within the Terms of Reference of the Investigation. The Investigation Team felt these were however worthy of highlighting to the Government. This report identifies these issues but does not attempt to provide recommendations, as they do not fall within the responsibility of the Department of Environment, Land, Water and Planning.

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## 2 Background

During the course of the Lancefield-Cobaw Fire Investigation, the Investigation Team interacted with community members from the fire area as well as departmental employees from the Country Fire Authority, Parks Victoria and Department of Environment, Land, Water and Planning.

Community interaction included a total of 17 written submissions, 114 surveys completed, 17 landowners interviewed at ten face-to-face meetings, nine telephone interviews and two community gatherings attended during the course of the fire investigation. The Investigation Team interviewed over 40 departmental employees from the three agencies involved in the planned burn and subsequent fire.

The Macedon Ranges Shire Council has a list of 170 properties impacted by the fire requiring some form of recovery work. Based on written submissions to the fire investigation email address and a survey distributed throughout the community, the Investigation Team arranged telephone or face-to-face discussions. Further contacts were initiated by the investigators who were assisted by the team's community representative in identifying people who were either known to be interested in speaking with the Investigation Team or who were significantly impacted by the fire.

Most people with whom the Investigation Team had contact raised issues or concerns that were both within and beyond the scope of the Terms of Reference. These were documented during discussions.

Survey responses have been collated by the Lancefield Neighbourhood House with the intention of maintaining a running tally of actions on which the broader community can be kept informed and future decisions made.

This report identifies those matters that are beyond the scope of the Terms of Reference, although some matters could be seen as closely related. Where possible the actual number of respondents is written where a direct comment was made to the Investigation Team regarding a particular issue. The team's community representative reported a larger number of people making comment on issues at meetings and through informal communication.

## 3 Response and Recovery

### 3.1 Community Meetings and Information

Each of the face-to-face meetings with community members drew comments regarding the management of community meetings during the bushfire event. A few felt the tone of presentations was condescending with vague information being presented when residents were anxious to learn specifically about the fate of their properties. Most respondents thought the community meetings were of great value.

One landowner described leaving the community meeting having been refused information in regard to his property and subsequently visiting the CFA Information Point where he was able to extract information from records that showed his house had burnt in the fire. He commented, *"this is all I wanted. It is much better to know for sure that your house has been destroyed than to be left waiting."* Another resident discovered his house had been lost by reading the newspaper.

A landowner whose house was destroyed expressed disappointment that 12 days after his house was burnt that he had not been spoken to in an official capacity. He learned of his house being burnt from a neighbour and expected that someone in government would have advised him at some stage. He said, *"my house is gone, the serenity has been destroyed, it was a magically beautiful area, my retirement was mapped out – now it's destroyed and no one in government has even bothered to talk to me."*

Another couple that had experienced a number of fires caused by escaped planned burns over the past two decades said a genuine apology would be appreciated.

A common message conveyed to the Investigation Team by community members was that they wanted to see real changes made to avoid a repetition of this event. After the 2003 Cobaw Fire, community members said they asked Departmental staff *"what will you do different next time?"* The Investigation Team was informed that the response given was *"Nothing. We don't have the resources or means to do anything different"*.

With the result of planned burning in the Cobaw Ranges in 2015 seen as very similar to the 2003 planned burn event; many in the community see this as evidence that lessons have not been learned.

### **3.2 Insurance**

The process of initiating and working through insurance assessments, particularly so soon after the event, was described by landowners as difficult. One landowner whose house was destroyed considered the Department's insurance assessor as efficient to the point of being uncaring when dealing with victims struggling to come to terms with their losses. Two separate landowners made comments regarding assessors using personally invasive questions unrelated to insurance matters.

At a time when filing cabinets containing receipts and other relevant records were destroyed by fire, the onus of proof of purchase was felt to be unfairly placed back on landowners by the Department's insurance assessors. Landowners strongly and repeatedly mentioned *"and it was they who were responsible for destroying the records and everything else we lost."* As an example of how some residents felt, one landowner in a group discussion commented, *"I'm emotionally and physically exhausted. The Department's fellow drove me crazy with his lack of concern for my welfare and his focus on looking after his own interests, it is so traumatising."* It was reported that Insurance assessors were answering telephone calls and texting during assessments, which landowners felt was rude and unprofessional.

Uncertainty over insurance procedures was raised by a number of people. There was consensus amongst a group of landowners that Departmental assessors had given conflicting information regarding the right of landowners to make claims on the Department (either directly or indirectly through their own insurers) in circumstances where private insurers had commenced assessing damage. The team heard of an overall feeling of confusion and disconnection amongst landowners those who have suffered significant loss. A one-stop shop for dealing with government and private insurers was suggested.

Although fence repair and replacement was acknowledged as having commenced swiftly, owners of de-stocked land were worried about not being a priority on the replacement program and may risk being forgotten. Three landowners wanted a written guarantee that they would eventually have their damaged fences repaired.

### **3.3 Skills and Experience of Firefighters**

Two written and a further two verbal submissions were received from CFA Volunteer Brigade members each with over twenty years' experience in firefighting. They told of their concerns regarding the changing skills of volunteer brigade members as older experienced members retired to be replaced by younger less experienced people often from an urban background.

The Investigation Team heard of a distinct separation of CFA resources during the Lancefield – Cobaw fire. According to them, only a small number of crews were able to attack running fire amongst tall forest and thick understorey while the greater percentage of crews were only confident enough to wait for the fire to spread to pasture before commencing suppression. One crew leader told of two experienced CFA units working in support of DELWP crews amongst taller forest while approximately 20 CFA units were parked on the bitumen unwilling to go beyond the grassed paddocks and beyond their skill capacity.

A general consensus amongst the four experienced CFA members was the need for greater collaboration with Departmental crews to take advantage of the training opportunities presented by forest firefighting as opposed to pasture and structural firefighting.

### **3.4 Road Blocks**

In the survey 16 landowners expressed concern and frustration at blanket roadblock restrictions. Examples were provided from landowners who would have confidently stayed to defend their properties; however, when needing to deliver elderly or infirm family and friends to refuge areas they subsequently faced restrictions in returning to their properties. Six landowners relayed stories of collaborating with neighbours to bypass police roadblocks. This was often across boggy paddocks and fire-affected roads that may have been of greater risk than if they had driven along the public road beyond the roadblock.

One landowner who manages four separate locations relayed problems with moving his fire truck between properties due to a police roadblock between the properties. (Note: this comment was in relation to a fire during 2014 not the Lancefield – Cobaw fire).

Wildlife rescuers were concerned at being restricted from accessing the fire area for several days following the burn escape when fire suppression vehicles were using roads and tracks that potentially lead to injured fauna.

While it was recognised that risk of injury to untrained personnel was present, wildlife rescuers believed they had sufficient knowledge and experience to be able to rescue injured fauna as part of the fire suppression operation. At the very least, they thought Departmental personnel could ferry injured wildlife to a safe handover point if the wildlife rescuers could not be safely allowed into the fire area. This would be progressively easier to implement as containment lines were strengthened over time.

The early, pre-emptive nature of roadblocks meant that landowners were prevented from entering their properties before the bushfire risk escalated. Some reported a window of opportunity spanning many hours during which they could have quite safely returned home to retrieve pets. Further frustration was conveyed by those who successfully stayed and defended their properties then to be told if they left home to get food and fuel supplies immediately after the fire was contained, they would not be allowed back through the roadblocks. A system of registering those who had “stayed and defended” was suggested to improve workability of roadblocks.

Officials manning the road blocks were considered by a few respondents to be ill informed regarding fire status, and the local road network, even days after the initial fire run had been contained.

### **3.5 Personal Fire Plans**

Three landowners said the fire had caught them out and were yet to complete preparation of personal fire plans for the coming bushfire season. Two rural landowners said their fire units were due for, or undergoing, essential maintenance, meaning they were not ready to be used. Thirty survey respondents asked for more communication about planned burns, including and beyond the area of adjacent neighbours. Letterbox drops, or mail outs, to be coordinated through the local Shire Council was suggested.

Improved, interactive communication by the Department with adjoining landowners, as part of revised risk management procedures that include contingency planning is recommended in the Lancefield-Cobaw Fire Investigation Report. Addressing that recommendation should resolve this issue.

Other related issues such as shifting stock to safer paddocks away from the burn or identifying escape zones well in advance, rather than during a fire emergency, should also be addressed through recommendations described separately in the Lancefield-Cobaw Fire Investigation Report.

### **3.6 Domestic Water Quality**

One community shopkeeper commented that residents along Feeney’s Lane at Benloch reported a strange taste in their water following the fire suppression operation. They were reportedly concerned over potential health issues related to the use of aerial retardant.

## **4 Landscape Management**

### **4.1 Heavy Woody Fuels**

Sixteen submissions were made in relation to the large volume of wood contained in trees and branches along roadsides. Residents felt this material would dry out and contribute to additional bushfire risk. It was noted during the investigation that trees being felled as a fire suppression measure were being cut into logs and subsequently removed to separate locations for later treatment. At one of the community meetings attended by approximately 110 people in Benloch, comment from the audience strongly urged authorities not to mulch the logs but to make the wood available for use by residents.

The practice of allowing trees, leaning into private land from State Forests, to be left on the private land for use by the landowner after being felled was requested. This was seen by those who raised the issue to be adequate compensation for the loss of firewood burnt during the fire.

### **4.2 Managing Private Forests**

Five people from three separate properties commented on the difficulty that rural landowners faced in managing forests that had been subject to fire, particularly high intensity fire. Regeneration of burnt areas, especially those with overstorey deaths, was considered to be out of the capacity of landowners to manage. Departmental assistance to manage private forests following planned burn escapes was suggested.

### **4.3 Catchment Management**

A program of private land rehabilitation was suggested by a group of five landowners as a means of ensuring soil, timber and aesthetic values were recovered to the extent possible. A post-fire land rehabilitation strategy, planned and implemented with government, was recommended by a number of landowners.

It was suggested that the rehabilitation plan should include remedial measures to protect water quality and soil erosion. Suggestions on restricting access to State Forest, particularly by motorcycles and four wheel drive vehicles were made by a number of people as a means of ensuring rehabilitation was successful and that no further environmental damage followed the fire.

### **4.4 House and Dwelling Protection**

Eight landowners living on forested properties expressed the view that restricting the amount of clearing that was permitted around houses increased the risk of damage to properties in the event of bushfire. It was suggested that tree and understorey vegetation clearing limits be based on twice the tree or vegetation height in preference to the current system of set distances.

The existing 10/30 rule of allowing vegetation to be removed within ten metres of a dwelling and other vegetation except for trees to be removed within 30 metres of a dwelling was considered to be insufficient to adequately address bushfire risk. Landowners and CFA Volunteer Brigade Members who expected to be called upon to defend homes surrounded by vegetation at the distances described above shared this view.



The presence of fibrous bark that is likely to catch alight and contribute to ember attack during bushfires undermines the adequacy of cleared vegetation zones.

Assistance from government in removing the fibrous bark without damage to the trees was suggested as a means of improving bushfire protection for landowners living in forested areas. One landowner suggested this work should include provision for fire exclusion areas to protect wildlife habitat such as wombat colonies.

#### **4.5 Road Verge Management**

Allowing roads that are relied on as escape routes to contain heavy fuel loads in a landscape where long distance spotting during bushfires is expected, and was shown to occur in this year's fire, presents a high risk of injury or death to people escaping a bushfire.

The objective for bushfire risk management along roads cannot ignore the needs of residents in fire prone areas to evacuate along the same roads that contain heavy fuels loads.

Road verge management policies currently pose a threat to lives as they fail to adequately recognise that residents live in fire prone areas connected to fire safe areas by public roads that are often the only practical escape route. The level of risk in this scenario will increase over time as more dwellings are built in remote areas whilst the fuel loading along roads connecting them to fire safe areas in nearby towns build up with each annual leaf fall.

A risk management approach to addressing this issue, along the lines of recommendations made in the Lancefield-Cobaw Fire Investigation Report, is required. Sound contingency plans are required to address risk during bushfire evacuation.

## **5 Telecommunications Black Spots**

Every person spoken to at face-to-face meetings, plus many from whom submissions were received, commented on the inadequacy of telecommunications in the fire area.

One landowner described how he was at home during late afternoon on Tuesday 6 October when the fire was heading towards his property. With no telephone or Internet communication he was unaware of the fire until a neighbour drove in to warn him. He recalled how, in his haste to leave, he drove along roads with branches dropping, through flames fanned by strong winds and heavy fuels along road verges. Describing the conditions as "horrendous" he was embarrassed that he had been relaxing at home whilst the fire was building and heading towards his property. He said he was traumatised by the experience and thought his family would take "some time" to overcome the experience.

Many residents commented on previous fire investigations and assurances with a consistent theme that less was delivered than had been promised.

The Macedon Ranges Shire Council website contains the following information;

*The National Broadband Network is increasing its reach across the Macedon Ranges with a third round of rollouts commencing July 2015. This rollout is in the planning phase, which will involve a mixture of technologies at various*

*public and private locations. As a result some private landholders may be contacted to discuss if they are interested in hosting infrastructure on their property. NBN will also be conducting information sessions across the shire at the end of 2015 and early 2016.*

*A new mobile tower in Pipers Creek (near Kyneton) has been funded by the federal and state government and Telstra through the Mobile Black Spot Programme. The tower will be completed in three years from June 2015.*

*Two new Telstra mobile towers have been approved in Lancefield (Lancefield Park) and Kyneton (Telstra exchange). Both towers are planned to be completed by June 2016.*

A number of rural landowners, particularly Benloch residents, thought the rollout of improved telecommunications, as described above, would benefit Lancefield and the western portion of the Shire's residents with no improvement to their situation.

## **6 Economic Impacts on Residents**

### **6.1 Losses and Opportunity Costs**

There are a significant number of people who have referred to the economic losses of having a fire in the area.

The losses were in three stages, being;

1. Immediate losses in terms of burnt pasture for stock (although in this fire this aspect was reduced as much of the surrounding grass was still green enabling quick suppression by fire crews)
2. Longer term losses such as the foregone potential for new business based on environmental values. For example landowners who had plans for organic agriculture felt the use of aerial retardant had diminished this prospect. Landowners who planned eco-tourism ventures based on wilderness and spiritual values believe the potential had been lost for the next decade. The value of the lost opportunity is difficult to determine however is felt to be real for those suffering the loss through unplanned fire.
3. The capacity to sell land in the area for a year or so after bushfires. The immediate sale of land was seen to be problematic due to the loss of aesthetics and the now obvious threat that bushfires posed to landowners.

### **6.2 Personal Leave Contribution by CFA Volunteer Brigade Members**

One person raised the issue of CFA Volunteer Brigade members who had taken annual leave from their jobs to attend the fires. It was felt by some that this placed a burden on volunteers and their families as the opportunity to have a family holiday had been reduced.

Where a person worked for a government agency it was seen as fair that they be repaid their leave entitlements.

### **6.3 Business Continuity Costs for CFA Volunteer Brigade Members**

One of the CFA Volunteer Brigade members, a fencing contractor, was reported as having a commitment to a local farmer to complete fence repairs during the week he was attending the fire. To adhere to this commitment he employed someone else, at his own cost, to have the job finished.

It was suggested by those interviewed that costs on individuals resulting from the fire should be considered within the overall compensation measures currently in place.

## **7 Culture and Heritage**

One landowner recounted how he had spent a number of years studying his property to observe and discover the Aboriginal heritage values on the land. He and his family had located rocks that he considered special due to their shape and content. A number of these rocks had been driven over by a bulldozer that entered his land under Departmental supervision without his knowledge. The broader aspect of landowner consultation has been previously discussed in the Lancefield-Cobaw Fire Investigation Report.

The landowner was also concerned for the fate of trees that may be Aboriginal canoe trees or scar trees. With large trees being pushed over or felled as part of the fire containment effort he was concerned the opportunity to assess these trees by qualified anthropologists or archaeologists was lost.

## **8 Conclusion**

The issues raised in this report convey community and employee sentiments and concerns beyond the Terms of Reference of the investigation. Many of the issues raised by the local community affected by this fire have been raised by other communities following similar incidents. It is the Investigation Team's belief that the State Government is aware of some of these issues and Emergency Management Victoria is already seeking resolutions for some of these with the appropriate agency. It is the hope of the Investigation Team that this report will further enlighten and support these decisions and that change will be achieved.

