

Our Ref: NIL61468



14 August 2018

Mr Peter Clarkson
4 Felicia Rise
DIAMOND CREEK VIC 3089

Dear Mr Clarkson,

Your comments on alleged bushfire risk in Diamond Creek

We act for Nillumbik Shire Council.

Council recently received correspondence from Firestick Estate Inc. attaching a letter dated 28 August 2017 which was 'reviewed' on 7 June 2018 and sent by you to Council's Mayor, Cr Peter Clarke.

Whilst you purport to represent the Country Fire Authority by signing your letter in your capacity as 'Captain, Diamond Creek CFA', Council will only consider and respond to correspondence concerning the subject matter raised in your letter if it is received from the Country Fire Authority in its capacity as the relevant statutory authority.

It is therefore recommended that any future concerns that you may have on this matter should be referred to the Country Fire Authority for consideration as to whether your concerns should be officially brought to Council's attention.

Yours faithfully

MACQUARIE LOCAL GOVERNMENT LAWYERS

Per:

A handwritten signature in black ink, appearing to be "John", written over a horizontal line.

Bairnsdale Advertiser

OUR LOCAL COMMUNITY NEWSPAPER - 138th YEAR OF P

 Audited Media
Association of Australia

MONDAY, JULY 6, 2015



BODY & SOUL FEATURE INSIDE THIS

Fire warning review likely

An Australia wide review of bushfire warnings is on the cards.

In January this year, bushfire campaigner, Belinda Clarkson, wrote to the Prime Minister, copied to all state premiers and territory leaders, saying existing extreme bushfire warnings "...underestimated the rate of passage of fire by more than 50 per cent..."

The Australian New Zealand Emergency Management Committee has since agreed to lead a review of bushfire warnings.

On the June 16, the Tasmanian Premier Will Hodgman wrote to Ms Clarkson, saying the "Tasmanian Government is working with the Australian Government and the states and territories to ensure improved consistency of warnings and information relating to bushfires".

"The Council of Australian Governments' Law Crime and Community Safety Council has acknowledged that the science that underpins current fire danger ratings system can be improved," Mr Hodgman said.

The rate at which a bushfire will spread is estimated using models that take into account a range of factors including fuel type, fuel load, wind speed, temperature, relative humidity slope and moisture.

These models are used to assess the level of risk and estimate the time that a fire will impact a community in its path. Accurately estimating the rate at which a bushfire will spread is important to ensure that timely warnings can be issued.

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Changes afoot

From page 1

"The LCCSC has endorsed the development of a new 'next generation' fire danger rating system as a project of national significance. The Bushfire and Natural Hazards Cooperative Research Centre is leading this project on behalf of the LCCSC and fire agencies," Mr Hodgman said.

"The new fire danger rating system will impact on the way that warnings and information are is-

sued to communities.

"In April 2015 the Australia New Zealand Emergency Management Committee accepted a 'National Review of Warnings and Information' and has agreed to lead a review of current frameworks, assessing the evidence of change, and identifying opportunities for harmonisation."

"The *Bairnsdale Advertiser's* coverage of this issue was critical in achieving this good news," Ms Clarkson said.

From: Clackers <clackers1962@gmail.com>
Date: Thu, Jun 7, 2018 at 5:26 PM
Subject: Improvements into the future
To: <peter.clarke@nillumbik.vic.gov.au>
Cc: <vivianna.gerbiz@nillumbik.vic.gov.au>



Nillumbik Mayor 28
August 2017 - Review

Hi Peter,

Unfortunately, I cannot attend your meeting about community safety in Diamond Creek etc., which I was looking forward to. I have flu like symptoms and I am reluctant to infect others.

I had done some preparation work for the meeting and was intending to present a hard copy of:

1. Bushfire threat to Nillumbik Shire, David Packham 2003.
2. Bushfire Planning issues in the Shire of Nillumbik, Rod Incoll, 2003.
3. Fire Risk Reports in the Shire of Nillumbik, CFA 2003.
4. Dr Tolhurst, Warrandyte Community Meeting, 6 August 2009.
5. 2009 Victorian Bushfires Royal Commission, Final Report Volume II, Part two, Land and Fuel Management pages 277 to 295.
6. Don't Wait and See, State video 2012, the transcript.
7. Anatomy of a catastrophic wildfire: The Black Saturday Kilmore East fire in Victoria, Australia Cruz etal 2012.
8. Extreme Bushfire, David Packham 2015.
9. My *Extreme bushfire risk in Diamond Creek* advice, 28/8/17; which I have reviewed today (see attached).

Your meeting may have been too short for me to properly summarise the relevant parts of the above documents. In view of my stated concern about future deaths from extreme bushfires in Diamond Creek, raising issues of who is accountable, under a charge of involuntary manslaughter through negligence, I invite you to a meeting at my place.

At the meeting, I propose to explain the above documents and then drive to examples of Diamond Creek's high fuel areas and unsafe emergency access and egress locations.

Finally, would you please amend the minutes of your previous meeting (28 August 2017), to include my advice (*Extreme bushfire risk in Diamond Creek*, 208/8/17).

I hope I can further assist you in your quest to build "...relationships and improvements into the future".

Yours sincerely,

Peter Clarkson

Captain - Diamond Creek Fire Brigade

PS In view of your problems finding some of my correspondence, would you please acknowledge this email and attachment.

Mr. P Clarkson
4 Felicia Rise,
Diamond Creek,
Victoria. 3089

Mayor Peter Clarke
PO Box 476
Greensborough 3088

28 August 2017 (Reviewed 7 June 2018, Footnote references updated)

Dear Mayor Clarke,

Extreme bushfire risk in Diamond Creek

I have two main concerns about extreme bushfire risk in Diamond Creek:

1. High landscape level fuel loads.
2. Unsafe emergency access and egress.

1. I believe the existing high landscape level fuel loads, in and to the north, around to the south-west of Diamond Creek, will fuel a future extreme bushfire. Historically, Victorian extreme bushfires are driven by wind from the north, and later in the day from the south west, turning the long east flank into a much larger new inferno. These fires are so fast and deadly they overwhelm emergency management, late planned evacuations, and at times, official warnings. According to bushfire expert David Packham, "*...long convoluted official systems have always failed in the past...*"¹. An extreme bushfire in Diamond Creek will cause the loss of hundreds of lives and about 50 times the death toll, will suffer varying degrees of trauma.

The death and trauma toll in Diamond Creek will be caused by the ignition of fuel, estimated in some areas at "*...between 25 and 30 tonnes per hectare*" (t/ha)². According to bushfire expert Rod Incoll, with 10 (t/ha) to 25 (t/ha) fuel loads, a Forest Fire Danger Index (FFDI) of 50, will result in an extreme bushfire intensity of between 6,000 kilowatts per metre (kW/m) and 19,000 kW/m, or on a FFDI of 100, between 13,000 kW/m and 38,000 kW/m³. Even a 6,000 kW/m fire is well beyond our capacity to control, because fire fighters can only safely control bushfires up to an intensity of about 2500 kW/m. The Packham and Incoll papers, about local bushfire risk, from which these figures were sourced, were acknowledged in 2003 by the Country Fire Authority (CFA), as having "*...considerable and appropriate expertise...*"⁴. Minutes from a Special Municipal Fire Prevention Committee meeting in July 2009, indicate firefighter representatives from across Nillumbik, discussed and accepted the Packham and Incoll papers.

Following the CFA's approval of the Packham and Incoll papers in 2003, the 2009 Kilmore East (Black Saturday) extreme bushfire occurred, only a few kilometres from Diamond Creek. According to a CSIRO et-al paper, the FFDI peaked at 162, while the highest estimated fire intensity figure was 88,220 kW/m and the fire spread 24 kilometres in one hour⁵. Those figures proved the CFA's 2003 endorsement of the Packham and Incoll

papers was correct. Considering "...*survival in the open is unlikely*" in a bushfire intensity above 10,000 kW/m, these bushfire intensity levels, and fire spread rate, are deadly ⁶.

In my opinion and consistent with Incoll's chart, the safety of the Diamond Creek community demands landscape level fuel loads be reduced to a maximum 5 t/ha, and not allowed in any area to exceed 10 t/ha, thereafter. This should occur in all parts of Diamond Creek and 10 kilometres to the north and around a 135-degree arc to the south-west. It should also include the forested Yan Yean Reservoir Catchment Area, south and east of Ridge Road.

2. The degree of emergency access and egress on all of Diamond Creek's residential roads, depends on the landscape level fuel loads. Under existing high-risk fuel loads, I believe our roads must be made safe, not only for our residents, but also all emergency personnel and lifesaving equipment, during the catastrophic conditions of an extreme bushfire. To give "...*priority to protecting human life...*" ⁷, we must have obstruction free passage of 10 metres wide to accommodate parked, abandoned and passing vehicles, in catastrophic conditions. Also, at the end of all no-through roads, there must be a three-point turn capability. Hazard trees that will impact the 10 metre wide emergency passage zone, "...*are obviously a bushfire risk and should be identified...*" ⁷ and removed to protect the lives of residents and emergency personnel, in the hurricane like convection winds of an extreme bushfire.

In my opinion, Nillumbik Shire Council and/or others, must commence landscape level fuel reduction, in the above areas in 2017. By December 2018, at least 50% of the area must be fuel reduced to 5t/ha and by December 2019, 100% of the area completed . Failing that, the unsafe access and egress works must start immediately. Unless this timely performance occurs, thousands of deaths or trauma cases will occur in a future extreme bushfire in Diamond Creek.

Yours sincerely

Peter Clarkson
Captain, Diamond Creek CFA

¹ *Victorian ABC Television News*, Packham 2013 elthamsdeathtrap.com ABC Television.

² *Bushfire Threat to Nillumbik Shire*, David Packham 2003 elthamsdeathtrap.com Additional Documents, No.1, between photo 5 & 6.

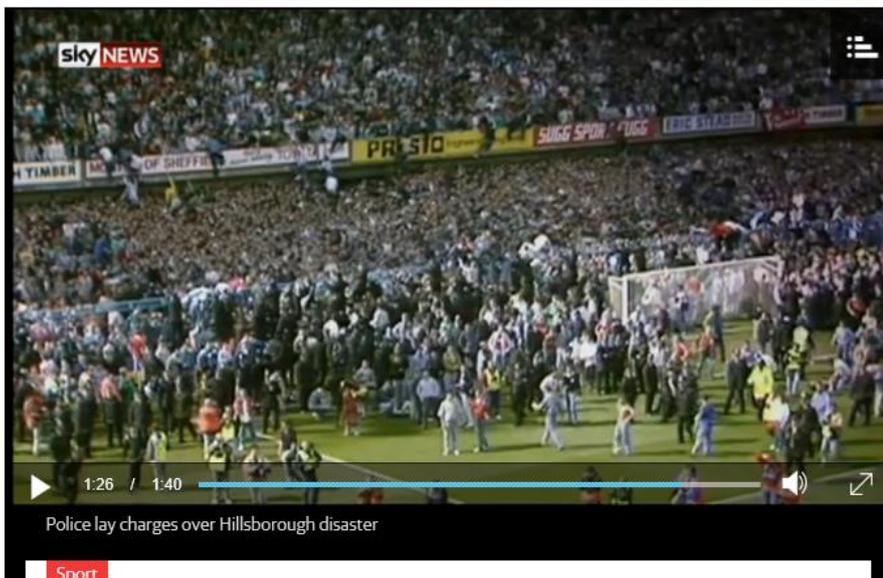
³ *Bushfire Planning Issues in the Shire of Nillumbik*, Rod A Incoll, 2003 elthamsdeathtrap.com Additional Documents, No.2, Figure 5.

⁴ *Fire Risk Reports in the Shire of Nillumbik*, CFA, 2003, elthamsdeathtrap.com Additional Documents, No.3.

⁵ *Anatomy of a catastrophic wildfire: The Black Saturday Kilmore East fire in Victoria, Australia* 2012, firestickestate.com, Media Release 4/8/16.

⁶ *Extreme Bushfire*, David Packham 2015, firestickestate.com, Responses and Acknowledgements, see no. 45, page 2 (above yellow highlight).

⁷ *2009 Victorian Bushfires Royal Commission*, Final Report Volume 1. Preface & page 166.



Six people charged over Hillsborough stadium disaster in 1989, including former police chiefs

AP

June 29, 2017 8:56am

BRITISH prosecutors charged six people Wednesday in the 1989 Hillsborough stadium disaster where 96 football fans were crushed to death. Those charged include the police commander on the day, David Duckenfield, who is accused of gross **negligence manslaughter**. The former chief of South Yorkshire Police, Norman Bettison, is charged with misconduct in public office for lying about the disaster and its aftermath. The attorney for the South Yorkshire Police was charged with acting “with intent to pervert the course of public justice” relating to changes in witness statements during an inquiry into the tragedy.

“Criminal proceedings have now commenced and the defendants have a right to a fair trial,” said Sue Hemming, the head prosecutor for special crime and counter terror.

The tragedy at the Hillsborough stadium in Sheffield unfolded when more than 2000 Liverpool soccer fans flooded into a standing-room section behind a goal, with the 54,000-capacity stadium already nearly full for the match against Nottingham Forest. The victims were smashed against metal anti-riot fences or trampled underfoot. Many suffocated in the crush.

At the time, hooliganism was common, and there were immediate attempts to defend the police operation and assign blame to the Liverpool fans. A false narrative circulated that blamed ticketless and rowdy Liverpool fans — a narrative that their families have challenged for decades.

Chairman of Hillsborough Family Support Group Margaret Aspinall said relatives had suffered “hell on earth” in their search for the truth.

“To me now this is the beginning of the end, definitely the beginning of the end,” Mrs Aspinall, whose 18-year-old son James died in the tragedy, said, per [The Telegraph](#).

“No one should have to go through what the families have gone through for 28 years to try and get to the truth and to get **accountability**.”