

7 June 2013

Mr Peter Jackson
General Manager
Hawkesbury City Council
council@hawkesbury.nsw.gov.au

Dear Sir

**Submission addendum Re: Road closure application in accordance with the Roads Act 1993.
Mt Irvine Road – Parish of Bilpin – County of Cook.**

Further to the submission of the Mt Wilson Progress Association of 22 May 2013, additional information has come to light that the community wishes to draw to the attention of Council.

We have already urged Council not to proceed with this proposed road closure because of the serious impact such a closure would have on the communities of Mt Wilson and Mt Irvine.

Most significantly, those impacts include the creation of a situation which would quite literally threaten the lives of the residents of both communities. This is because, if the proposal proceeds, there will only be one access road left – Mt Wilson Road – available to the communities. Mt Wilson Road traverses several kilometres of highly exposed ridge country which makes it extremely vulnerable in times of storm or bushfire. The resultant lack of "escape routes" and the inability of emergency services to gain access to the communities could well then lead to catastrophic consequences. This is particularly the case as the geography of the communities is such that there is no Neighbourhood Safer Place¹, which is an identified building or space within the community that can provide a higher level of protection from immediate life threatening effects should a serious bush fire occur. Mere "fire trail" access is grossly insufficient to avoid these consequences.

Given the severity of these impacts, we thought we should also raise some concerns we have now identified with the process which Council is currently following.

These "process" concerns are of course less significant than the life threatening impacts mentioned above. However, we are sure that Council would be conscious of the way in which these matters might be viewed with the benefit of hindsight should the worst actually occur and so would want to ensure that the process was in all respects above reproach. This is all the more the case given the difficult situation in which Council finds itself as both the applicant for the road closure and as the agent for the Crown Lands Division of the NSW Department of Trade and Investment in respect of certain aspects of the closure process.

¹ See page 6 - Extract: NSW Government – NSW Rural Fire Service website 7 June 2013

Your letter of 13 May 2013 was the first inkling the affected communities of Mt Wilson and Mt Irvine had of Council's intention to propose the closure of Mt Irvine Road as there was no consultation by Council on the communities' views on the issue. This was more than three years after Council adopted its resolution proposing the closure on 2 February 2010. Had Council consulted it would have heard the communities' deep concerns that it was allowing the road to deteriorate making it more and more difficult to use. The message would have been loud and clear: Please repair Mt Irvine Road and the bridge over Bowen's Creek and return both to a safe, easily trafficable alternative route to and from Mt Irvine and Mt Wilson. It does appear unconscionable that more than three years could pass with no official communication with the communities affected whose escape route from any potentially catastrophic bushfire was proposed to be cut off.

We are particularly concerned the application of the Hawkesbury City Council on the form of Land and Property Information received by that authority on 13 August 2010 (account number W472184) does not accurately and comprehensively provide answers to the questions on the form.

In particular:

<p>Use</p>	<p>Council is required to <i>provide a general statement of whether any use has been made of the road for access by the public or landowners in the past 5 years, or whether the road is needed for access to properties, rivers, creeks, lakes, beaches, public reserves, railway lines etc.</i></p> <p>By far the most critical and important reason for the retention and maintenance of Mt Irvine Road in the Hawkesbury local government area is its role as the only escape route for the communities of Mt Wilson and Mt Irvine in the event of a major bushfire that threatens or has cut off the Mt Wilson Road access to the Bells Line of Road.</p> <p>Long-time residents of Mt Wilson and Mt Irvine recall routinely using Mt Irvine Road as their preferred and the shorter route to Bilpin and parts further east until Hawkesbury Council allowed the road to fall into disrepair. The road and Bowens Creek Bridge was used and maintained for general traffic use for more than 60 years. Cars, trucks, including cattle trucks, travelled the road until it was all but abandoned by Hawkesbury Council.</p> <p>In 2002, a team of volunteers including members of the Mt Wilson community worked on the road clearing culverts and drains and generally assisting with the maintenance of the surface. That volunteer effort was met with the threat by Hawkesbury Council of legal action against the volunteers should their maintenance work continue.</p> <p>Such a stance by Hawkesbury Council, and its ongoing failure to maintain the road and bridge, is not consistent with what the Mt Wilson and Mt Irvine communities see as Council fulfilling its statutory responsibilities for maintaining the safety of users of a public road in the state on New South Wales.</p> <p>The Council closure application states that the section proposed to be closed "has not been used by the public in the last 10 years". This is not correct as the following statements attest.</p> <p style="text-align: center;">When we moved to Mt Wilson in 2000 there were daily four-wheel drive tours using the road. David Howell, Mt Wilson</p>
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	<p>I had friends from Sydney who used the road every time they visited us in 2004 - 2006. David is correct. A small tour company used the road daily to bring Sydney tourists to the Post Office cafe around the same time.</p> <p>Tim Gow, Mt Wilson</p> <p>I remember a resident who lived in Mt. Irvine from about 2008 to 2010 and she drove her 4WD along the road when going to Sydney.</p> <p>Moira Green, Mt Wilson</p> <p>I last drove on the Hawkesbury side of Mt Irvine Road in 2009 but I did see vehicles using it in 2010. For the 2011 Willy to Billy fun run support vehicles followed the runners up the road. There are quite a few people in Mt Irvine who could tell of their use of the road in the last 10 years.</p> <p>Beth Raines, Mt Wilson</p> <p>I and a group of friends regularly use Mt Irvine Road (Bowen's Creek Road) as it links the trail with Zig Zag, Wolgan and beyond. It's a great ride! Over recent years I have seen four-wheel drives, cyclists and walkers using the road. It is also becoming a regular route for adventure riders. The road and the bridge need fixing. Please get on with the job and fix them! You may like to read a feature I wrote in the May 2013 edition of <i>Two Wheels</i> magazine to understand adventure riding.</p> <p>Terry Criminale, Adventure Rider, 0416 492 828</p> <p>In addition to Mt Wilson and Mt Irvine residents using the road, it has been regularly used by bush track motor bike enthusiasts as an outstanding scenic route through the Wollemi National Park. Similarly as stated in our initial submission, the road has been a wonderful regular bush run track for many years. The well-known Willy to Billy run using Mt Irvine Road has drawn thousands of runners over the years and raised important funds for the local RFS units, especially the Bilpin brigade. The road continues to have an ongoing recreational use as walkers go from one end to the other.</p> <p>Inevitably, the road is also required to provide access for police and other emergency authorities in the event of incidents involving bushwalkers, canyoneers and other people who find themselves in distress in the area. As stated previously, Police Rescue, NSW Ambulance Service, Rural Fire Service and SES all participated in a search and rescue in the area earlier this year.</p>
<p>Construction</p>	<p>Council is required to <i>provide a brief statement on whether any construction of the public road has ever taken place – if so provide any known details such as the type of roadworks & structures, the surface material, maintenance works, the last type & date of work & whether the existing surface retains evidence of any former road construction or use.</i></p> <p>It is surely relevant that the subject road was an important Depression era hand wrought construction project that brought great benefit to Mt Irvine and Mt Wilson. Council acknowledges it has remained focused on the operation and maintenance of the road as recently as 2009/10 when it says maintenance work was last carried out. There is no sound rationale stated for closure, especially in the absence of any survey of the residents of Mt Irvine and Mt Wilson about their likely use of the road if it was returned to a safe work-a-day route to Bilpin.</p> <p>It is understood that an alternative and less expensive lower course might be created for the road avoiding the recently collapsed terraces using modern equipment not</p>

	available to the original construction crews.
Unnecessary road	<p>Council is required to <i>provide a general statement of why the road is considered unnecessary, particularly if the road is constructed or used, or if separate action has been taken or is being taken by the Roads Authority to relocate the road to another position.</i></p> <p>The absence of a statement under this heading that the road is the only escape route for the communities of Mt Wilson and Mt Irvine in the event of a major bushfire that threatens or has cut off the Mt Wilson Road access to the Bells Line of Road misrepresents the critical and important role of the section proposed to be closed.</p> <p>Similarly, Council’s disputed claim that “Since 1990, the road has only been used by Emergency Services as a fire trail through Wollemi National Park” contradicts itself in acknowledging a possible lifesaving role for the road. Most importantly, if the road and bridge was properly maintained and safe it would be used all the time as it has been in the past.</p>
Proposed use	<p>Council is required to <i>provide a general statement of how you envisage the land will be used if the road is closed.</i></p> <p>Once again, Council has made no effort to inquire of the mountain communities their likely use of the road if it is again made a safe, easily trafficable route to Bilpin and beyond.</p>

Council should withdraw its application to close Mt Irvine Road

In conclusion, the Mt Wilson community believes Hawkesbury City Council should withdraw its application to close Mt Irvine Road because of the application’s serious deficiencies and as it does not fairly represent the position of the road our communities have long called to be properly maintained and improved. As an alternative, the Mt Wilson Progress Association suggests, as it did in its initial submission, that rather than advocate the closure of the road Council request the New South Wales Government to assist Hawkesbury Council restore and maintain the road in good condition.

Pursuit of Partnership Agreement dispute procedures

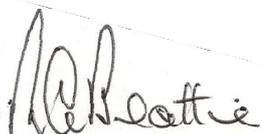
On a reading of the Partnership Agreement between the Hawkesbury City Council and the Department of Lands of 6 April 2005, it appears if Council receives objections which cannot be “resolved”, the application either has to be withdrawn or be referred to the Department or the Land Board.

We believe that our objections are so fundamental there is no prospect of them being “resolved” other than through withdrawal of the application. Consequently, if Council remains unwilling to withdraw its application for the closure of Mt Irvine Road, then the Partnership Agreement provides that the matter will have to be escalated. In the event Council declines to withdraw its application rather than seek the State’s support for the restoration of the road, what will the escalation process be?

It is the community’s intention to take up this issue directly with the responsible minister, Mr Andrew Stoner MP acting in his capacity as Minister for Regional Infrastructure and Services. However, if you

could advise that Council will reconsider the issue with a view to withdrawing its application and seeking the State's support for the restoration of the road, then we will withhold a request to meet with the Minister to put the case for him denying the closure proposal. Of course we would be more than happy to support a Hawkesbury Council request to the Minister for assistance to return the road to a safe, well maintained route down from the mountains.

Yours sincerely



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 Mt Wilson Progress Association
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cc

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Neighbourhood Safer Places

Neighbourhood Safer Places (NSP) is a new concept that has evolved out of the tragic Victorian 'Black Saturday' bush fires in February 2009. A Neighbourhood Safer Place (NSP) is a place of last resort for people during a bush fire. It can be part of your contingency plan, for a time when your Bush Fire Survival Plan cannot be implemented or has failed.

An NSP is an identified building or space within the community that can provide a higher level of protection from the immediate life threatening effects of a bush fire. NSP's still entail some risk, both in moving to them and while sheltering in them and cannot be considered completely safe. They are a place of last resort in emergencies only.

The following limitations of NSP need to be considered within your Bush Fire Survival Plan:

- NSP do not cater for pets
- When using NSP do not always expect emergency services to be present
- NSP do not provide meals, amenity or cater for special needs (e.g. for infants, the elderly, the ill or disabled)
- They may not provide shelter from the elements, particularly flying embers.

If an NSP is part of your contingency plan it should not require extended travel through fire affected areas to get there. If there is not sufficient time or it is unsafe to travel to an NSP you should then consider other pre identified safer locations such as your neighbours' home or a wide open space.

In September 2009, the NSW Rural Fire Service (RFS), in conjunction with other NSW emergency service organisations, developed guidelines for the identification of NSPs across the State of NSW. As part of this identification process, potential NSPs are assessed against a set of criteria to determine if the building or open space is suitable. The primary purpose of a NSP is the protection of human life.

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