

## [Fined for illegal clearing, family now feel vindicated](#)

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They were labelled law breakers, fined \$50,000 and left emotionally and financially drained.

But seven years after the Sheahans bulldozed trees to make a fire break — an act that got them dragged before a magistrate and penalised — they feel vindicated. Their house is one of the few in Reedy Creek still standing.

The Sheahans' 2004 court battle with the Mitchell Shire Council for illegally clearing trees to guard against fire, as well as their decision to stay at home and battle the weekend blaze, encapsulate two of the biggest issues arising from the bushfire tragedy.

Do Victoria's native vegetation management policies need a major overhaul? And should families risk injury or death by staying home to fight the fire rather than fleeing?

Anger at government policies stopping residents from cutting down trees and clearing scrub to protect their properties is already apparent. "We've lost two people in my family because you dickheads won't cut trees down," Warwick Spooner told Nillumbik Mayor Bo Bendtsen at a meeting on Tuesday night.

Although Liam Sheahan's 2002 decision to disregard planning laws and bulldoze 250 trees on his hilltop property hurt his family financially and emotionally, he believes it helped save them and their home on the weekend.

"The house is safe because we did all that," he said as he pointed out his kitchen window to the clear ground where tall gum trees once cast a shadow on his house.

"We have got proof right here. We are the only house standing in a two-kilometre area."

At least seven houses and several sheds on neighbouring properties along Thompson-Spur road in Reedy Creek were destroyed by Saturday night's blaze.

Saving their home was no easy task. At 2pm on Saturday, Mr Sheahan saw the nearby hills ablaze.

He knew what lay ahead when the predicted south-westerly change came.

The family of four had discussed evacuation but decided their property was defensible, due largely to their decision to clear a fire break. It also helped that Mr Sheahan, his son Rowan and daughter Kirsten were all experienced members of the local CFA.

"We prayed and we worked bloody hard. Our house was lit up eight times by the fire as the front passed," Mr Sheahan said. "The elements off our TV antenna melted. We lost a Land Rover, two Subarus, a truck and trailer and two sheds."

Mr Sheahan is still angry about his prosecution, which cost him \$100,000 in fines and legal fees. The council's planning laws allow trees to be cleared only when they are within six metres of a house. Mr Sheahan cleared trees up to 100 metres away from his house.

"The council stood up in court and made us to look like the worst, wanton environmental vandals on the earth. We've got thousands of trees on our property. We cleared about 247," he said.

He said the royal commission on the fires must result in changes to planning laws to allow land owners to clear trees and vegetation that pose a fire risk.

"Both the major parties are pandering to the Greens for preferences and that is what is causing the problem. Common sense isn't that common these days," Mr Sheahan said.

Melbourne University bushfire expert Kevin Tolhurst gave evidence to help the Sheahan family in their legal battle with the council.

"Their fight went over nearly two years. The Sheahans were victimised. It wasn't morally right," he said yesterday.

Dr Tolhurst told the Seymour Magistrates court that Mr Sheahan's clearing of the trees had reduced the fire risk to his house from extreme to moderate.

"That their house is still standing is some natural justice for the Sheahans," he said.

He said council vegetation management rules required re-writing. He also called on the State Government to provide clearer guidelines about when families should stay and defend their property.

Houses in fire-prone areas should be audited by experts to advise owners whether their property is defensible, Dr Tolhurst said.

Mr Sheahan said he wanted others to learn from his experience and offered an invitation for Government ministers to visit his property.

He would also like his convictions overturned and fines repaid.

"It would go a long way to making us feel better about the system. But I don't think it will happen."

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