

# Bushfire risk and noise laws among the issues

Dear Editor,

Regarding the event proposed at 60 Mitchells Road, Mount View in late September 2014, the Cessnock Local Environmental Plan 2011 defines all of Mount View (including the location of the event) as RU2 Rural Landscape.

This particular zoning prohibits car parks, commercial premises and entertainment facilities all of which are required for this event.

This prohibition can be overturned temporarily under the terms of the LEP, but only if the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land.

The amenity of the neighbourhood will undoubtedly be adversely impacted by the event and the risk of bush fire has not even been quantified by the proponent in their own Risk Assessment.

Have we already forgotten the early season 2013 bushfires experienced in NSW? Remember this event will have some 1500 people with some 400-500 vehicles concentrated in an area of bush which has severely restricted ingress and access.

Cessnock Development Control Plan (2010), Part D: Specific Development, Chapter 8: Temporary Events, states: "As a general rule, minor and major events shall not commence prior to 8am or continue after 11pm. Variation to these hours may be permitted in special circumstances (e.g. New Year's Eve)".

There are no special circumstances involved at the dates proposed. This event is planned to commence in the early evening of Friday and continue until the morning of Monday.

The same chapter of the DCP also states "Noise – Performance Objective. Ensure the enjoyment of neighbouring properties is not unduly affected by noise associated with the event. Noise from amplified music, motors, refrigeration equipment, generators and participants can significantly reduce the enjoyment of local residents and businesses. The noise level (L10)\* from the entertainment (measured for a period of not less than 30 minutes) shall not exceed the normal background noise level (L90)\*\* for the area, by more than 5dB(A)\*\*\* when measured at the nearest residential boundary".

This is not a performance objective which is achievable according to the proponent's own Noise Assessment document.

Apart from all of the above, it is against the law to make offensive noise in NSW. Offensive noise is noise that either because of its level or type affects the comfort of a person outside the premises. The restricted times are Sunday to Thursday 10pm to 8am and Friday, Saturday and days followed by a public holiday: 12am to 8am. This means that during these times the volume must be low enough such that it cannot be heard in a neighbour's house.

The event plan calls for the main stage entertainment to continue to midnight on the Sunday, intentionally breaking this NSW state law.

In 2008, Cessnock City Council refused a similar development application for a three-day music festival in Wollombi stating quite explicitly that it failed to comply with several points in its LEP and DCP, including:

- that the proposed location and scale of the event will significantly conflict with the purpose of the 2(b) Village Zone which is to permit development of a nature that will not impact on the amenity of existing villages and ensure residential lifestyles are maintained.

- that the development will interfere with the amenity of surrounding residential development and rural dwellings within the vicinity.

- that with respect to the aims and objectives of the Plan which is to provide events in suitable locations that do not unduly impact on neighbouring properties, the surrounding community and the local environment.

- that the proposal fails to comply with Part D, Chapter D.8, Section 8.6.1 of the Cessnock DCP 2006 (Temporary Events) with respect to the hours of operation.

There are two obvious paths the Council has to take in considering the DA for this proposed event

As with their previous decision in 2008, observe NSW laws, the Cessnock Local Environment Plan and the Cessnock Development Control Plan as they are written.

Ensure that all risks associated with the event are fully assessed and the risk analyses are independently evaluated.

This will retain the present characteristics and amenities of the area for all of its residents and avoid the elevated potential of serious injuries or fatalities as the result of traffic accidents or bush fires.

**Frank Renton**

**Mount View Road, Mount View.**