

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737
ABN 18 059 519 041

Our Ref: 2874/TP/AvH/071210

7 December 2010

Oberon Council
PO Box 84
OBERON NSW 2787

Attention: Jaclyn Burns

Dear Ms Burns

Re: Review of Abacus Planning Letter Regarding DA 10.209.225.1 (2968 Shooters Hill Road, Oberon)

We write in response to the Oberon Council request for Umwelt (Australia) Pty Limited to review the letter dated 25 November 2010 from Wayne Mc Donald of Abacus Planning regarding development application DA 10.209.225.1 for 2968 Shooters Hill Road, Oberon (the proposed development). We have reviewed the letter from Abacus Planning and found that there is no substantial new information contained within the letter regarding the noise impact assessment for the proposed development. As such, Oberon Council should continue to refuse the proposed development on the grounds that the noise impact assessment is inadequate.

The response from Abacus Planning appears to include sections of various regulatory and advisory documents on noise impact assessment and contains no new analysis of noise impacts arising from the proposed development. Any analysis of noise impacts provided have been reiterated from the noise assessment conducted by Central West Environmental Services which we have previously determined as containing insufficient information to conclude that the proposed development will not have a significant impact on the neighbouring land owners.

No new evidence is provided to substantiate the response by Abacus Planning to the questions that form the Offensive Noise Checklist from the Noise Guide for Local Government.

The wind roses supplied by Abacus Planning are for the 9.00 am period only and do not cover the entire period of proposed operating hours of the proposed development. As such the supplied wind roses do not reflect 'worst case' noise impact assessment conditions for the proposed development.

The property ownership and dwelling location figures provided by Abacus Planning appear to be incomplete and are potentially misleading. On review of the site layout figures submitted as part of documentation in support of the development application, it appears that sections of the proposed development will be much closer than presented by the figures in the letter from Abacus Planning. The distances presented by Abacus Planning appear to be from the epicentre of the proposed facilities and not the outer edges. In particular, it appears that the proposed camping area, track 3 and track 4 would be less than 100 metres from the Lemmich and Lawson properties.

Further to our previous correspondence, Oberon Council has provided to us further information detailing the status of land ownership and the future development potential for residential dwellings at the properties in close proximity to the proposed development.

Of the ten landholders within 1500 metres of the epicentre of proposed development, there are four allotments that either have residential dwellings approved or were subdivided for the purpose of

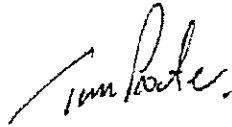
residential dwellings. A further three property owners have 'original holding' development rights that could allow them to construct a residential dwelling on the land. As no evidence has been submitted otherwise, there is the potential for noise impacts from the proposed development to sterilise the residential development potential of the properties neighbouring the proposed development.

Given the close proximity of approved dwelling sites to the proposed development, the potential for the construction of dwellings on "original holdings" and that the proposed facility could operate up to 120 days per year there is insufficient evidence to demonstrate that the proposed development will not adversely affect the amenity of existing, approved and potential future residential dwellings neighbouring the proposed development.

Until the noise assessment for the proposed development at 2968 Shooters Hill Road Oberon has demonstrated that the proposed development will not have an unacceptable impact on neighbouring properties, Oberon Council should continue to refuse the development application on the grounds that the noise impact assessment is inadequate.

Should you have any further questions regarding this matter, please do not hesitate to contact us.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tim Procter', written in a cursive style.

Tim Procter B.Eng
Manager, Engineering Services; Associate