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Response to Noise Related Issues
Gosford City Council, Joint Regional Planning Panel
Mortensen Free Range Poultry Farm, Mangrove Mountain NSW

Report Number 610.10682-R1

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Gosford City Council, Joint Regional Planning Panel

Mortensen Free Range Poultry Farm, Mangrove Mountain NSW

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1 INTRODUCTION

A Noise Impact Assessment (NIA) was prepared by Benbow Environmental Pty Ltd (BE) for the proposed Mortensen Free Range Poultry Farm Extension (the Project), Mangrove Mountain NSW in April 2011.

Subsequently, Gosford City Council (GCC) issued an *Assessment Report and Recommendation* (ARR) for referral to the Joint Regional Planning Panel (JRPP).

This document has been prepared by SLR Consulting Australia Pty Ltd (SLR Consulting) in response to the comments in the ARR related to the noise aspects of the Project's NIA.

2 ISSUES AND RESPONSES

2.1 Gosford City Council's Assessment Report and Recommendation (ARR)

Issue 1: ARR Page 17

Peer Review of Air Quality and Noise Impact Reports

The EIS makes some unsubstantiated conclusion regarding the supposed low level of impacts in relation to Noise.

Response:

The BE Noise Report presents a logical and methodical procedure adopted in conducting their noise modelling and noise impact assessment.

This culminates in the data presented in Table 4-2 (with reference to Tables 4-3 to 4-10) which lists the mitigation progressively applied to the noise model in order to achieve compliance with the Project Specific Noise Level (PSNL) criteria established in strict accordance with the Office of Environment and Heritage's (OEH's) *NSW Industrial Noise Policy, 2000* (INP).

The fixed noise controls applied to the Project via the noise modelling are a 2 m high earth berm with a 1 m slope and a 0.5 m top width and a 2 m high wall on top of the earth berm. Earth excavations to 1 m are also proposed in the areas shown in Figure 4-1 of the BE Noise Report.

Further mitigation methods and procedures are presented in Section 4.4.5 and the BE Noise Report states that *"The noise impact assessment has found that with noise controls in place the site operations will be able to satisfy the project specific noise limits."*

This approach to noise modelling, noise impact assessment and noise mitigation design represents industry best practice and is the approach advocated by the OEH in their INP.

In our opinion, the demonstration of the Project's compliance with the project specific noise levels is substantiated. This is borne out on Page 20 of the ARR, Peer Review of Noise Impact Assessment, which commences with the statement that the *"Overall noise modelling methodology and approach is considered to be consistent with current best practice"*

Issue 2: ARR Page 20

The acoustic assessment has excluded consideration of stable meteorological conditions associated with temperature inversions. However, the meteorological analysis presented in the air quality report indicates 23.4% occurrence of F class stability for all hours. As the vast majority of stable conditions occur at night, this indicates that the frequency of occurrence of stable conditions is likely to be well in excess of 30% for the night time. In accordance with the NSW Industrial Noise Policy, this would require consideration of the influence of temperature inversion conditions on propagation of noise from the poultry farm. This is expected to result in a 1–3 dB increase in predicted noise levels for the nearest receptors and the modelling and mitigation needs to be amended accordingly.

Response

It does not necessarily follow that just because there is a reported 23.4% occurrence of F class stability for all hours that the frequency of occurrence of stable conditions is likely to be well in excess of 30% for the night-time period.

Notwithstanding, the effects of temperature inversions on noise at the small offset distances of the three closest residential receivers (of 52 m to 66 m) would be insignificant (less than 1 dBA, refer to the INP Appendix D Table D1).

Reference to the noise level predictions in Table 4-10 of the BE Noise Report indicates night-time LAeq(15minute) noise levels at residences R1, R3 and R15 of 34 dBA, 36 dBA and 35 dBA respectively. These predicted noise levels are in turn 1 dBA, 1 dBA and 3 dBA lower than the PSNL criteria at these residences. Accordingly, even if night-time temperature inversions were to enhance the noise emissions to the nearest residences, compliance with the PSNLs presented in the BE Noise Report would still be achieved.

However, if temperature inversions were found to be a prevailing weather condition at the site then the predicted noise emission levels under these conditions would be determined (via modelling) and used to establish the Project's noise limits. Where the predicted Project noise levels are less than the PSNL's but above 35 dBA, then the Project's noise limits will be set at the predicted noise levels (ie potentially higher than those presented in the BE Noise Report).

Further, it is noteworthy that, as stated in Section 11.1.3 of the OEH's INP, Noise-compliances with noise conditions, "A development will be deemed to be in non-compliance with a noise consent or licence condition if the monitored noise level is more than 2 dB above the statutory noise limit specified in the consent or licence condition."

Issue 3: ARR Page 20

In terms of the proposed management measures, provision of an earth berm to manage noise emissions is considered to be an appropriate methodology. The management measures discussed for truck movements, particularly at night, are considered less practical. This is because there is a degree of reliance on management of behaviour (eg, travelling at no more than 40kph on a public road) and timetabling to minimising the number of vehicles on site at any one time. During night time bird pick ups, preventing more than one vehicle or forklift/loader operating at any given time may be impractical in reality.

Response

The noise management measures derived in Section 4.4.5 of the BE Noise Report, Safeguards (Noise), are considered practical.

It is agreed that such noise mitigation/management measures have a "degree of reliance on management of behaviour" but the personnel involved will be informed, educated and trained on the importance of the procedures for mitigating noise and how to best implement and maintain those procedures. On this basis, the examples cited of travelling at no more than 40 kph on a public road, timetabling trucks to minimise the number of vehicles on site at any one time and preventing more than one vehicle or forklift/loader operating at any given time during the night-time bird pick ups are all manageable via the maintenance of good direct driver/operator communications and the application of speed limiters to the trucks.

We have been involved in other projects where these measures have been successfully applied and implemented.

This approach is consistent with the statement on Page 20 of the ARR, Overall Conclusions, that: *"it is noted that engineering controls are generally available for management of on-site noise. Hence, with some adjustment to the proposed noise mitigation measures, compliance is expected to be feasible for noise emissions from on-site. Off-site noise impacts are more problematic to manage, however given the nature of the local area and the expected frequency of occurrence of these activities, this issue is not considered sufficient to warrant refusal of the application."*

This finding was supported by the Council Assessment Staff of the Peer Review of the Noise Impact Report refer to the Response to Item 2 on Page 22 of the ARR in relation to the Project being able to comply with the relevant noise guidelines and criteria saying *"The noise mitigation measures for on-site noise with some adjustment are likely to achieve the relevant guidelines."*

Issue 4: ARR Page 22

Council Assessment Staff comments on Peer Review of Air Quality and Noise Impact Reports

The peer review indicates that the application should be refused due to the additional impacts on noise and that those impacts do not comply with the guidelines of the Industrial Noise Policy regarding Noise Impacts.

The EIS has not satisfactorily addressed the impacts on nearby sensitive receptors nor suitably considered appropriate alternatives such as a staged development to monitor impacts before further development or a smaller proposal generally. Justification of the proposal has ignored the impact of the proposal on nearby sensitive receptors.

The small area of the site at 12.27 ha and its long narrow shape with an approximate width of 170 m in the vicinity of the proposed additional poultry sheds demonstrate the proposal is an overdevelopment of the site as the sheds are unable to be located the required distance from sensitive receptors to minimise air quality and noise impacts.

The peer review indicates that the required guidelines of DECCW regarding the Industrial Noise Policy cannot be complied with.

Response

This statement is in conflict to the statement made by the Council Assessment Staff of the Peer Review Report refer to the Response to Item 2 on Page 22 of the ARR in relation to the Project being able to comply with the relevant noise guidelines and criteria saying *"The noise mitigation measures for on-site noise with some adjustment are likely to achieve the relevant guidelines."* Refer to the Response to Issue 3.

Further, the NIA complies with the requirements of the INP and the assessment found that the noise emissions from the Project can be managed and mitigated to a level which is acceptable in accordance with the INP.

Issue 5: ARR Page 29

Traffic and Transport

Traffic noise mitigation measures have been recommended as part of the Noise impact Assessment including the following:

- **Travelling along Bloodtree Road at night time at maximum 40km/hr**
- **No use of engine brakes unless they are the silenced type**
- **Low on-site speed limits-walking pace**
- **No extended period of on-site revving/idling**
- **The truck parks behind the berm to attenuate the air release from the braking system**
- **Adequate access road design/maintenance.**

The peer review of the Air Quality and Noise Impact Reports states "In terms of the proposed management measures, provision of an earth berm to manage noise emissions is considered to be an appropriate methodology. The management measures discussed for truck movements, particularly at night, are considered less practical. This is because there is a degree of reliance on management of behaviour (eg, travelling at no more than 40 kph on a public road) and timetabling to minimising the number of vehicles on site at any one time. During night time bird pick ups, preventing more than one vehicle or forklift/loader operating at any given time may be impractical in reality."

It is apparent that the noise mitigation measures relating to truck movements recommended by the applicant would rely heavily on compliance with a Farm or Environmental Management Plan which depends on the responsibility of the poultry farm operator and all the truck drivers. Such a Farm Management Plan would be difficult to enforce (particularly the 40km/hr speed limit on Bloodtree Rd as legal limit is 80km/hr), likely to be not complied with and impacts to sensitive receptors being consistently offensive.

Response

Refer to the Response to Issue 3.

Issue 6: ARR Page 38

Conclusion

- 1 Air Quality and Noise Impacts - The EIS has been prepared based on Director General's Requirements but is based on inadequate information and flawed modelling contained in the Air Quality and Noise Impact Reports not necessarily associated with best practise.**
- 2 Land Use Conflict / Overdevelopment of the site - The site with its small area of 12.27ha and average width of approximately 170m in the vicinity of the proposed additional sheds does not permit the required separation from sensitive receptors particularly in Bloodtree Road to allow sufficient mitigation of odour and noise impacts.**

Response

Refer to the Response to Issues 1 and 4.

Issue 7: ARR Page 38

- 3. Farm Management Plan - As the Council's peer review of the Noise Impact Report by Benbow has outlined, on site farm noise impacts could potentially be mitigated by provision of earth berms as proposed. However management measures proposed for truck movements are less practical as they rely on management of behaviour particularly of all truck drivers (eg, complying with a 40 km/hr speed limit on a road where the speed limit is 80 km/hr).**

Response

Refer to the Response to Issue 3. Also, reference to Table 4-10 of the BE Noise Report indicates that there are no predicted exceedances of the night-time screening criteria for sleep deprivation.

Issue 8: ARR Page 38

- 4. The Environmental Impact Statement / Peer review of Air Quality and Noise Impact Reports - The EIS has not appropriately and fully considered the impacts of noise impacts on sensitive receptors. Council assessment staff identified a number of issues in the EIS and the Air Quality and Noise Impact Reports, regarding stated low or no level of impact therefore a Peer Review of those Reports was commissioned. The peer review identified a number of issues and concerns in both Reports and concluded that the application should be refused based on the unreasonable impacts on a number of nearby sensitive receptors. Those impacts relate mainly to odour and noise.**
- 5 Shortfall of Information within the Environmental Impact Statement - The EIS has not appropriately addressed some relevant issues, particularly those identified by the peer reviewer regarding odour and noise emissions. Further information has not been required as Council's peer reviewer has indicated that odour and noise impacts cannot in their opinion be mitigated to within acceptable levels or compliant with relevant DECCW and Industrial Noise Policy guidelines. The peer review demonstrates the site has insufficient area and nearby sensitive receptors are located too close to the site to mitigate odour and noise impacts.**

Response

Refer to the Response to Issues 1, 3 and 4.

3 CLOSURE

This report has been prepared by SLR Consulting Australia Pty Ltd with all reasonable skill, care and diligence, and taking account of the manpower and resources devoted to it by agreement with the client. Information reported herein is based on the interpretation of data collected and has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of Palm Marie Farms Pty Ltd and Bloodtree Orsus Pty Ltd. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR Consulting.

SLR Consulting disclaims any responsibility to the client and others in respect of any matters outside the agreed scope of the work.

RESPONSE TO THE RECOMMENDED REASONS FOR REJECTION
OF GOSFORD CITY COUNCIL TO THE PROPOSED
EXPANSION OF POULTRY FARMING OPERATIONS AT

80 BLOODTREE RD MANGROVE MOUNTAIN

PREPARED BY MR NED MORTENSEN FOR SUBMISSION
TO THE JOINT REGIONAL PLANNING PANEL (HCC REGION)
ON BEHALF OF THE PARTNERSHIP BETWEEN

**BLOODTREE ORSUS PTY LTD
AND
PALM MARIE FARMS PTY LTD**

26TH JULY 2011

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I Introduction

The following submission seeks to address the Gosford City Council's eight reasons for recommending refusal for the proposed expansion of existing free range poultry farm to include 4 additional naturally ventilated poultry sheds.

II Recommended Reasons for Refusal (appearing in bold) and Submitted Response

- 1. The proposal creates unreasonable and non-compliant impacts on air quality (odour) and noise (from trucking movements in particular) to a number of nearby sensitive receptors. The additional impacts do not comply with the relevant guidelines of DECCW or the Industrial Noise Policy.**

The noise generated from an increase in trucking movements on Bloodtree Rd associated with the development is well within the LAeq, (1 hour) 50 dB(a) limit prescribed by the DECWW *NSW Road Noise Policy*.

Following our reading of Council's submission to the JRPP last Friday, an additional independent consultant (SLR Global Environmental Solutions) was retained to provide comment and further peer review on the findings of both Benbow Environmental and Air Noise Environment (for GCC).

A copy of SLR Global Environmental Solutions' response to noise related issues is appended to this submission. In short, the independent review supports the methodology, noise modelling and findings of Benbow Environmental, and also highlights some inconsistencies and criticisms of Gosford City Council's own peer review. An attempt was made also to commission an independent review of Benbow Environmental's odour assessment and Gosford City Council's subsequent peer review, however completion of the odour review was not possible given the constraints of time and the complexity of the subject matter.

The NSW Land and Environment Court holds that a receptor is only sensitive when it is impacted by the development in excess of DECWW guidelines, and that its actual geographical proximity to the development is irrelevant. See for example, *The Qur'anic Society v Camden Council* 2009 (New South Wales Land and Environment Court 1171).

Council has failed to demonstrate that the development will result in non compliance with DECWW noise guidelines or the Industrial Noise Policy. Quite to the contrary, it is the expert opinion of both Benbow Environmental and SLR Global Environmental Solutions that compliance with the relevant guidelines can be achieved with the proposed mitigation measures.

It is unfortunate that Gosford City Council's approach to conducting peer review was neither open nor conciliatory. We were unaware until our reading of the JRPP submission that any independent peer review by external consultants had been commissioned by GCC at all. As we were not made previously aware, and were not given adequate time to address the differences of opinion regarding the odour modelling methodology raised by Air Noise Environment, our submission to the panel

must rely solely on Benbow Environmental experienced and expert opinion in these matters to demonstrate compliance.

Air quality and noise impacts have been addressed in a quantitative and scientific way by Benbow Environmental. While it is true that the peer review by Air Noise Environment Pty Ltd commissioned by GCC raises a number of differences of professional opinion, it provides no alternative analysis, data, or result to show that the impacts of noise and odour fall outside relevant DECWW guidelines.

2. The proposal creates an intensified land use that conflict with surrounding properties and the adjoining 7(b) zone in particular which contains most of the sensitive receptors.

Council have provided no evidence whatsoever that the proposed land use conflicts with, or impacts in any way on surrounding properties, or that there are any sensitive receptors that would be recognised as such by the NSW Land and Environment Court (see response to GCC reason 1 on page 1 of this submission).

We have however, provided extensive quantitative scientific data from experts to support our position that it does not impact on surrounding properties, or conflict with existing land uses.

3. Farm Management Plan to manage noise from truck movements is difficult to enforce and could result in regular offensive noise impacts to sensitive receptors.

This reason for objection relies on speculation that the applicants lack the ability to implement management strategies on their own farm. It amounts to nothing more than unsupported conjecture.

The reason for objection also relies on the adverse impact of noise on surrounding properties, which has been examined already in our response to reason for objection 1.

4 The EIS has not satisfactorily addressed or appropriately considered the following:

- **The impacts on nearby sensitive receptors particularly regarding odour and noise impacts,**

The EIS contains extensive address of these issues.

- **social disadvantages to the surrounding area - the justification for the proposal incorrectly states there will be no significant social impact**

GCC have provided no evidence to support any social impact of the proposed development. There are no circumstances of the proposed development that necessitate the inclusion of a Social Impact Statement.

- **Appropriate alternatives such as a smaller development and/or a staged development to monitor impacts before further development,**

While the applicant may be prepared to consider such concessions if forwarded as alternatives to rejection of the application by the JRPP, the development at its currently proposed size is preferable as it offers the applicant security of contract with chicken processors, and overall economic stability for the proposed operation.

- **The provisions of SEPP 33 as the proposal is classified as a “potentially offensive industry” under the provisions of the SEPP.**

The EIS provides sufficient information to address relevant matters for consideration under Clause 13 of the SEPP and stipulates mitigation measures and best management practices to ensure that the level of offence is within acceptable limits. The proposal does not require an Environmental Protection Licence (EPL) from DECC&W and consequently the proposed development does not constitute an offensive development.

- **The impact particularly in relation to air quality on the adjoining sportsground at Lot 81 DP 664567.**

The sportsground is some 600m from the proposed sheds, and is shielded by both natural terrain and a vegetative screen approximately 170m wide.

While any impact to the sportsground is considered to be negligible, there is no requirement (either regulatory or other) for its assessment.

5. **The proposal is an overdevelopment of the site with regard to its size, shape and distance from nearby sensitive receptors. The additional sheds are unable to be located a sufficient distance from sensitive receptors to minimise air quality and noise impacts.**

The proposal is not an overdevelopment of the site. The proposed development is not out of character with typical intensive rural use in the vicinity and it will not detract from the amenity of the area in general. This position is supported by the impact assessments included with the EIS.

The proposed sheds are completely shielded from the view of neighbours and passing traffic on Bloodtree Rd by a significant existing screen of natural vegetation.

6. **The proposal is inconsistent with the relevant objectives of the 1(a) Rural (Agriculture) zone as well as being inconsistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.**

The objective of the 1(a) zone is to provide suitable land for agricultural use. The site contains ample area for the proposed development and is consistent with other such development within the area.

The proposed developments engineered mitigation mechanisms ensure that there is no impact on surrounding land over and above acceptable limits. See the response for GCC's reason for rejection 1 for further information.

The proposed project is in no way inconsistent with any of the four principles of Ecologically Sustainable Development, as defined by section 3 of the Local Government Act 1993.

7 The proposal does not comply with the relevant objective of SREP 8 – Central Coast Plateau Areas and relevant strategies of SREP 20 – Hawkesbury- Nepean River.

GCC rely on the noise and odour impact of the development on nearby properties to support this reason for objection. These issues have already been clearly addressed in the response to GCC's reason for refusal 1.

8. Approval to the proposal is not in the public interest due to the potential additional odour and noise impacts to nearby sensitive receptors.

Yet again, GCC rely on the noise and odour impact of the development on nearby properties to support this reason for objection. These issues have already been clearly addressed in the response to GCC's reason for refusal 1.

GCC also rely somewhat on the implied validity of public submission. A detailed response to each of these submissions has been prepared previously at the request of GCC, and is appended to this submission.

III Conclusion

Without exception, all of Gosford City Council's eight reasons rely heavily on the impact of noise and odour on neighbouring properties.

The applicants have gone to great length and expense to retain reputable experts in the field of both noise and odour, whom have produced substantial scientifically prepared data to demonstrate compliance with all applicable DECWW guidelines.

Some six days before the scheduled JRPP hearing, and only four days prior to the cutoff for written submissions to the JRPP for consideration, it was revealed that GCC had retained independent environmental consultants for the purposes of peer review whom differed in professional opinion to our own consultants, Benbow Environmental.

Immediate steps were taken to retain a third an independent consultant to provide review and comment on these differing opinions. While it was possible to have the noise impact reports and GCC's associated comments peer reviewed, the constraint of time and the quantity and complexity of subject matter prevented such advice on odour modelling.

Should the JRPP decide that it is unable to approve the development as it does not accept the advice of Benbow Environmental, I ask that the matter be deferred so that differences of opinion between

consultants may be addressed in an open, conciliatory and constructive fashion without the constraints of time such as were created by GCC failure to include the applicants in any such process.

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a period.

Ned Mortensen
For Bloodtree Orsus and Palm Marie Farms

RESPONSE TO CERTAIN SUBMISSIONS OPPOSING THE PROPOSED
EXPANSION OF POULTRY FARMING OPERATIONS AT

80 BLOODTREE RD MANGROVE MOUNTAIN

PREPARED BY MR NED MORTENSEN
ON BEHALF OF THE PARTNERSHIP BETWEEN

BLOODTREE ORSUS PTY LTD
AND
PALM MARIE FARMS PTY LTD

3RD DECEMBER 2010

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SUMMARY OF THIS RESPONSE

The public objections made to the proposed expanded operation of poultry farming at 80 Bloodtree Rd contain a number of assertions and suppositions about both the proposed and existing farming operations that are unsupported, inaccurate and careless in construction.

The opposing submissions include substantial objection based on an assumption that the farm's present perceived neighborhood impact will simply be magnified by the expansion. No regard has been given in any submission, whatsoever, to any of the proposed engineered mitigation strategies other than to singularly discount them as ineffective.

The opposing submissions include no reference, evidence or expert opinion to support their forwarded conjecture in any way.

While the engineered mitigation strategies proposed by the applicant's consultants as part of the expansion constrain environmental emissions to levels within the prescribed limits of the Department of Environment, Climate Change and Water, they will have the added advantage of reducing the impact of current farming operations on nearby residents. This advantage shall remain unrealised should the proposed expansion not be unapproved.

Over and above this, the proposed expansion is in keeping with the permissible and zoned use of the land. Additionally, the proposed use aligns with the Central Coast Regional Strategy and Sydney Regional Environmental Plan No. 8, delegated legislation which was specifically enacted to protect agricultural and food production resources and limit rural residential allotments in the area.

The proposed expansion of the existing free range poultry operation will satisfy all DECCW criteria and is able to operate in harmony with residents in the vicinity, as well as reducing the environmental impacts of the existing operation.

SCOPE OF THIS SUBMISSION

This submission is made as an earnest attempt to answer the collective opposing submissions to the proposed expansion of poultry farming operations at 80 Bloodtree Rd Mangrove Mountain. It is a submission prepared at the request of Mr Fred Dobbs of Gosford City Council.

This submitted response does not diminish, amend, correct or replace any information provided on behalf of the applicants by Aconsult, Benbow Environmental, B J Bradley and Associates, RPS Group, Ryan Consulting Group or any other accompanying, previous or future submission made on behalf of, or by any party retained by the applicant forming part of or supporting the development application for the proposed expansion. As such, this submission should not be read in place of, or in preference to, such provided information.

This submission is written by Mr Ned Mortensen, a part owner of the land at 80 Bloodtree Rd and a part owner of the business that operates therein, and has been prepared and is forwarded on that basis.

INTRODUCTION AND METHODOLOGY

While it is true that many objecting submissions were forwarded to Council, a large number of these submissions were generated by members of a central group of residents, whom have also made several additional separate submissions.

For example, most (if not all) residents whom attached their name to the largest group submission made by Benham, Hawdon, Hockings, Hunter, Shaw and Zouroundis have also made separate submissions each in their own right. In some cases, additional submissions were also made by the objector's friends and relatives whom visit their respective properties from time to time. Although not certainly, it seems likely that this accounted for a degree of repetition seen in the submissions.

A genuine attempt was made to distill the submissions to a distinct list of individual complaints and concerns, which appear in the table below. While the writer accepts that this may not be exhaustive, it represents a concerted effort to address the most serious concerns which the objecting submissions appeared to have in common. There are 32 items in the list. Each of these are examined and discussed by this response in turn.

<i>That the proposed development will result in increased odour</i>	1	<i>That the flora and fauna survey is incomplete</i>	11
<i>That there is a danger of polluting Whipbird Creek</i>	2	<i>That the TAR is incorrect in calling the property remote</i>	12
<i>That there will be increased nocturnal noise</i>	3	<i>That neighbours will experience a loss of quality of life</i>	13
<i>That there will be increased dust</i>	4	<i>That the fans proposed in the new sheds will be noisy</i>	14
<i>That there will be a danger to wildlife crossing Bloodtree Rd from associated increased traffic</i>	5	<i>That there is no economic benefit of the proposed development</i>	15
<i>That there will be increased traffic noise</i>	6	<i>That the current operations have expanded</i>	16
<i>That there will be increased farming noise</i>	7	<i>That there is a likelihood of illness to residence and risk of exotic avian disease</i>	17
<i>That the farm is in too closer proximity to neighbours</i>	8	<i>That there is a risk of pollution entering the aquifer</i>	18
<i>The size of the proposed operation is to great</i>	9	<i>Dust and odour modeling is inaccurate, as Hunters are not shown as a sensitive receptor</i>	19
<i>That the property is unsuitable according to the NSW Meat Chicken Farming Guidelines</i>	10	<i>That noise modeling data was collected while sheds were empty</i>	20

<i>That the dust and odour modeling is inaccurate, and uses irrelevant data</i>	21	<i>That the proposed sheds limit wildlife access to Whipbird Ck</i>	27
<i>That there will be an increase in flies</i>	22	<i>That the proposed fans will create dust</i>	28
<i>That the development will expose carcasses of Newcastle Diseased chickens</i>	23	<i>That the sportground will be impacted</i>	29
<i>That the community was not consulted</i>	24	<i>That the electrical draw of the proposed expansion will disadvantage neighbours</i>	30
<i>That there is insufficient water for the development.</i>	25	<i>That quality of captured rainwater will deteriorate</i>	31
<i>That the generator will create unacceptable noise</i>	26	<i>That there are mapped vegetation communities on the site</i>	32

1. THAT THE PROPOSED DEVELOPMENT WILL RESULT IN INCREASED ODOUR

The position of the objectors cannot be substantiated.

The extensive odour modeling conducted by Benbow Environmental concluded that the proposed poultry farm extension would not cause any odour exceeding the prescribed limits of the NSW Department of Environment, Climate Change and Water to the surrounding neighbours provided that the proposed engineered mitigation recommendations were put in place as part of the development.

The modeling undertaken by Benbow Environmental fully addresses the concerns raised by the objectors in a scientific and qualitative manner and should be preferred in the assessment of any potential impact. Benbow Environmental adopts the assessment methodology recommended by the NSW Department of Environment, Climate Change and Water including the guidelines for the preparation of meteorological data to be used in the dispersion model, the way in which emissions should be estimated and the relevant air quality criteria for assessing the significance of predicted odour levels from the proposal.

The objectors have provided no expert evidence to challenge the conclusions of Benbow Environmental.

2. THAT THERE IS A DANGER OF POLLUTING WHIPBIRD CREEK

The operation of the proposed poultry farm produces no runoff or wastewater other than created by stormwater.

Ryan Consulting Group, consulting hydraulic and civil engineers, were commissioned to prepare and submit a Water Cycle Management Plan for the proposed development.

This addresses the requirements of Gosford City Council's Development Control Plan 165 and has adequately addressed the quality of discharge to natural water courses and drainage as listed within DCP165.

The use of the dam facilities will strain and settle litter and sediments respectively.

Stormwater runoff will be filtered through the use of turfed swales, followed by treatment occurring within the existing and proposed site dams.

Please refer to the full report prepared by Ryan Consulting Group and submitted with the initial application.

3. THAT THERE WILL BE INCREASED NOCTURNAL NOISE

The group submission and many of the individual submissions quote a passage which is referred to in the submission as a 'medical study' and referenced by the objectors as *Rockwool, Denmark*. The submissions raise concern that the outdoor projected noise levels modeled of 37 dBA (LAeq) and 45 dBA

(max) at the nearest receptor exceed a finding by the quoted study that shows levels as low as 30dB can cause sleep disturbance.

The three paragraph quotation is in fact taken directly from material advertising sound insulation which appears on the Rockwool AS website (reproduced and attached as Appendix A).

Although not referenced by Rockwool, the advertisement selectively plagerises the executive summary of the World Health Organisation's *Guidelines for Community Noise* published in 1999, and it is from that document that the paragraphs quoted by the group submission originate.

The following are relevant quotations from the full text of the section of the WHO *Guidelines for Community Noise* regarding sleep disturbance. An extracted copy of the relevant section is appended to this document (as Appendix B);

'For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB LAmax more than 10–15 times per night'.

'If negative effects on sleep are to be avoided the equivalent sound pressure level should not exceed 30dBA indoors for continuous noise. If the noise is not continuous, sleep disturbance correlates best with LAmax and effects have been observed at 45dB or less. This is particularly true if the background noise is low. Noise events limiting 45 dBA should therefore be limited if possible. For sensitive people an even lower limit is preferred. It should be noted that it should be possible to sleep with a bedroom window slightly open (a reduction from outside to inside of 15dB). To prevent sleep disturbances, one should thus consider the equivalent sound pressure level and the number and level of sound events. Mitigation targeted to the first part of the night is believed to be effective for the ability to fall asleep'.

The noise impact assessment prepared by Benbow Environmental has been prepared in accordance with the NSW Department of Environment, Climate Change and Water Industrial Noise Policy.

The modeling undertaken by the assessment addresses the concerns of neighbours, predicting that the projected sound levels are not only within acceptable levels for nocturnal activity as outlined by the DECCW guidelines, but are also within the limits which are outlined by the original and unabridged guidelines which the objecting group inadvertently quoted in their joint submission.

4. THAT THERE WILL BE INCREASED DUST

The Department of Environment, Climate Change and Water guidelines *'Approved Methods for the Modeling and Assessment of Air Pollutants in New South Wales (August 2005)'*, were followed by Benbow Environmental to model dust dispersion to neighbouring properties.

Predicted impacts from the CALPUFF dispersion model were based on conservative assumptions in the input parameters.

The modeling found that provided the proposed dust emission controls were implemented, being earth berms and plantings as described and detailed in the submission, that all emissions would be within the acceptable limits as set by the DECCW.

These submitters against the proposed development have provided no expert evidence or scientific analysis of any kind to support their arguments that they will be impacted by dust above acceptable emission limits.

5. THAT THERE WILL BE A DANGER TO WILDLIFE CROSSING BLOODTREE RD FROM ASSOCIATED INCREASED TRAFFIC

Some submitters have expressed concerns about the danger posed to wildlife by increased traffic associated with the proposed expanded operation. To assess the validity of these concerns, it's useful to calculate how much traffic will actually be increased by the proposed expansion.

This can be done as follows;

- i) The environmental impact statement for the proposed development includes a projection of approximately 45 vehicle movements across an eight week cycle. Currently, the existing farm generates around 25 vehicle movements in an eight week cycle. Based on this information, the actual increase will be around 20 movements per eight week cycle.
- ii) A survey was made of community traffic use of Bloodtree Rd by B J Bradley and Assoc. The traffic survey recorded a total of 69 movements collectively during morning and afternoon peaks (two hours morning and two hours afternoon). If we were to assume that the recorded peak movements accounted for half of all daily traffic (which would be very conservative) there would be around 140 movements per day.
- iii) We can calculate the projected increase in traffic and show as a percentage;

Existing	=	140 per day or
	=	980 per week or
	=	7840 per eight week batch

Projected increase	=	20 per eight week batch
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Expressed as a percentage	=	$\frac{20}{7840} \times 100$
	=	0.26%

- iv) From this we can conclude that if wildlife were to be struck by a vehicle, there is a 99.75% chance that it would not be struck by a vehicle associated with the expanded operation of the poultry farm.

Readers should give regard to the conservative way in which the existing community use of Bloodtree Rd was calculated. There is a significant increase in traffic (for example) with the use of the neighbouring oval for soccer and cricket games and training and also the use of the neighbouring airstrip by the soaring club.

The community road use survey was also conducted at times which missed the entry and exit of Gosford City Council workers, machinery and vehicles from the Bloodtree Rd depot, which considerably increases both community and heavy vehicle traffic in these times.

6. THAT THERE WILL BE INCREASED TRAFFIC NOISE

As explained previously in the discussion of increased risk to wildlife from traffic associated with the proposed expansion, the increase in traffic caused by the proposal is approximately 20 truck movements over an eight week period or on average, less than three movements per week.

The community traffic survey shows four heavy vehicle movements during peak, and as previously discussed this doesn't include the daily exit and entry of heavy machinery to the Gosford City Council Bloodtree Rd depot.

If we were to say that there were a total of forty heavy vehicle movements per week (which would be incredibly conservative given the volume of trucks, tankers, graders and tractors that enter and exit council's depot daily) it can be seen that an additional three truck movements per week is hardly discernable.

7. THAT THERE WILL BE INCREASED FARMING NOISE

Benbow Environmental's Noise Impact Assessment concludes that noise generated by the operation of the proposed expansion will be completely within all emission guidelines set by the NSW Department of Environment, Climate Change and Water when the proposed engineered noise mitigation is constructed.

The objectors have provided no evidence whatsoever to support their claim that they will be adversely affected by noise generated by the expanded operation.

The modeling undertaken by Benbow Environmental fully addresses the concerns raised by the objectors in a scientific and qualitative manner and should be preferred in the assessment of any potential impact.

The free range poultry farm will be able to continue to operate in harmony with the rural residential community.

8. THAT THE FARM IS IN TOO CLOSER PROXIMITY TO NEIGHBOURS

Many residents submitted that both the proposed and existing operation of the farm impede quiet enjoyment of their land as the operation is too close to their property.

The existing farm has been operational since the early 1990s. So far as the writer is aware, with the exception of Loraine Hawdon all other neighbours making these submissions have purchased or constructed homes after that time. In particular, Neil and Veronica Hockings purchased land opposite the existing sheds and constructed a brand new home overlooking them.

Council has approved neighbours development and buildings on the nearby land zoned 7(b). Gosford planning scheme ordinance state that;

The objective of Zone No. 7(b) is to enable a limited range of development (including tourist facilities) on land on the Somersby Plateau and Calga Plateau which has been identified as possessing aesthetic or conservation values where:

(a) it can be demonstrated that the development can be carried out in a manner that minimises risks from natural hazards, functions efficiently, does not prejudice other economic development and does not significantly detract from the aesthetic or conservation quality of the land within the zone;

It is submitted that the adjoining developments approved by council are currently prejudicing the economic development of an important Central Coast contributor to primary production in the region, that the neighbouring residential development was incompatible with the existing land use of poultry farming at the time of approval by Gosford City Council, that the rural residential subdivision was not in keeping with the objectives of the 7(b) zoning, and that the objectors should not be allowed to succeed in preventing the use of land for poultry farming.

The proposed engineered environmental impact mitigation strategies will significantly improve the compatibility of the newer adjoining residential land use with the originally established primary production use of 80 Bloodtree Road.

9. THE SIZE OF THE PROPOSED OPERATION

Submitters have expressed concern of the size of the operation. The proposed expanded farm will be a comparatively small one. At a projected 139,200 birds, the proposed farm will be no more than an average sized poultry production farms on the plateau.

10. THAT THE PROPERTY IS UNSUITABLE ACCORDING TO NSW MEAT CHICKEN FARMING GUIDELINES

Submissions made included comments that the proposed development did not comply with the NSW Meat Chicken Farming Guidelines in a number of ways. The objectors made six points, each of which will be responded to in turn below;

i) Shed Orientation

That the guidelines recommend an east west orientation for sheds, that the proposed layout is north south, and that '*...it is therefore our belief that the sheds are located on an unsuitable piece of land*' (Hunter p1, Group Submission Benham, Hawden, Hockings, Hunter, Shaw, Zouroudis p5).

It is most useful to read the quotation used by the submission in it's full context. As such, the Orientation section from the guide is reproduced below.

The orientation of the chicken sheds should complement the characteristics of the development site (layout of nearby roads, topography, meteorology, and other natural features of the site). It

is very desirable to align the long axis of the sheds east–west to minimise shed surface area exposure to the sun and sun entering the shed. Direction of prevailing winds should be taken into consideration, with sheds oriented to take advantage of cooling summer breezes. Tunnel-ventilated sheds should be oriented so that the fan-end of the shed, where the air exits, will have minimal impact on neighbours.

It can be seen that the purpose of the east west orientation is to minimize sun light and heat on the long elevations of the sheds. It is not applicable to free range farming as there are operable curtains in place of walls which are adjusted as necessary and also as chickens are free to move outside the shed.

Rather, the sheds have been oriented to compliment the characteristics of the development site, as recommended by the guide.

ii) Proximity of Sensitive Receptors

Submitters suggested that the guidelines recommend meat chicken farms be not too near existing or potential sensitive land uses that are likely to be incompatible with poultry farming and that as such, *'this guideline has been totally ignored'* (Hunter p1, Group Submission Benham, Hawden, Hockings, Hunter, Shaw, Zouroudis p5).

The guidelines define a 'sensitive receptor' as a *'person or people that may be sensitive to environmental impacts from a proposed or existing development'*.

The position of the objectors cannot be substantiated because of the extensive environmental modeling conducted by Benbow Environmental whom concluded that the proposed poultry farm expansion would cause no environmental nuisance to the surrounding neighbours provided that the proposed engineered mitigation recommendations were put in place as part of the development.

The modeling undertaken by Benbow Environmental fully addresses the concerns raised by the objectors in a scientific and qualitative manner and should be preferred in the assessment of any potential impact. Benbow Environmental adopts the assessment methodology recommended by the Department of Environment and Climate Change (2005) including the guidelines for the preparation of meteorological data to be used in the dispersion model, the way in which emissions should be estimated and the relevant air quality criteria for assessing the significance of predicted odour levels from the proposal. The objectors have provided no expert evidence to challenge the conclusions of Benbow Environmental.

The interpretive aspect of the NSW Meat Chicken Farming Guidelines in relation to site selection and proximity to sensitive receptors has been recently considered by the NSW Land and Environment Court. In *The Qur'anic Society v Camden Council* 2009 (New South Wales Land and Environment Court 1171) it was held by the court that the test to determine whether a receptor was sensitive turned on the actual likely impact of the development on the receptor, rather than the location of the receptor.

In any case, the vast majority of objecting neighbours situated themselves in proximity to a working poultry production farm when they bought or built their homes, rather than the inverse.

iii) The Shape of the Farm

Submitters noted that the guidelines recommend square blocks rather than long narrow ones and that consequently, the farm is unsuitable for '*an expansion of this magnitude*' (Hunter p1, Group Submission Benham, Hawden, Hockings, Hunter, Shaw, Zouroudis p5).

Again, it is useful to read the quotation used by the objectors in it's full and original context. As such, the relevant section from the guide is reproduced below.

Square blocks are favoured over long, thin blocks of similar area in order to maximise farm layout and design options and separation distances from the sheds to the boundary of the property.

The size and shape of the farm is well suited to the maximization of layout, and the distances from boundaries are comparable to those of many farms in the local region. Further to this, there is an added benefit of the natural vegetation screen between the proposed sheds and the boundary (being 40m at it's narrowest but typically 55m) as well as the proposed earth berm between the sheds and boundary.

The natural layout of the farm is well suited to it's proposed use, and very much in keeping with the intent of the guide.

iv) Natural Resource Management

Submitters state that the guidelines recommend natural resource management be a priority in any chicken farm development, and that in this instance '*...there is no guarantee in the proposal that Whipbird Creek is protected*' (Vivien Shaw p3).

The environmental impact statement and engineered hydraulic drainage designs provide effective and robust protection to Whipbird Creek, and meet all regulatory and code requirements for the protection of such a watercourse.

v) Grass to be Maintained

Submitters note that the guide recommends grass should be maintained around the sheds to avoid erosion and dust generation. The writer of the submission states that there is very little grass at present around the existing free range sheds or in the yards, and that grass will disappear very quickly in the free range chicken yards (Vivien Shaw p4).

This unsupported statement is both misleading and inaccurate. The existing sheds and range which have been in use for free range farming for the past nine months have thickly covered long grass to more than 90% of the range. Additionally, cereals and legumes are sown in the range on a regular basis between batches.

Further to this, the farm is contractually required to maintain accreditation from the Free Range Egg and Poultry Association. It is a condition of accreditation that the farm maintain palatable vegetation within the range, and that the range be maintained in a condition capable of vegetation at all times.

The range is rested for a minimum of four weeks between batches (every six to eight weeks), during which time vegetation is sowed and recovered if necessary.

The vegetation maintained on the range is well in line with the intent of the guide.

vi) Neighbouring homes be more than 150m from the farm

An objector has stated that the guide recommends that neighbouring homes should be more than 150m from the chicken yards (Vivien Shaw p4).

The guide has no such recommendation.

11. THAT THE FLORA AND FAUNA SURVEY IS INCOMPLETE

The flora and fauna survey completed by RPS group is currently being reviewed at Council's request. As such, it is not appropriate to comment on completeness at this time.

12. THAT THE TAR IS INCORRECT IN CALLING THE PROPERTY REMOTE

The use of the word 'remote' neither influences nor defines the conclusion of the reports.

13. THAT NEIGHBOURS WILL EXPERIENCE A LOSS OF QUALITY OF LIFE

Some submitters have stated that the proposed development will detrimentally affect their quality of life.

The proposed development includes engineered improvements to the property which will not only contain future environmental impacts, but will also aid in significantly reducing the presently perceived impacts of the existing development upon the amenity of the surrounding area.

Included in this are solutions that control and reduce noise, dust, odour and water runoff.

Rather than reducing the quality of life of the objectors, the proposed development will actually improve the existing conditions, and reduce the impact of the current operation on neighbouring properties.

14. THAT THE FANS PROPOSED IN THE NEW SHEDS WILL BE NOISY

Submitters have raised concerns about noise emanating from the fans of the proposed shed.

The existing operation utilises an almost identical fan configuration to that proposed. The fans do not push or extract air from the sheds, but are installed wholly within the sheds to circulate air internally.

The existing fans run 24 hours a day. These fans are barely audible outside the shed, and cannot be heard from the neighbouring properties. From their submissions, it would appear that local residents were not aware that similar fans are already in use on the farm.

The proposed engineered mitigation measures have also taken the fan noise into account.

15. THAT THERE IS NO ECONOMIC BENEFIT OF THE PROPOSED DEVELOPMENT

Since purchasing the farm over two years ago, the owners have spent in excess of \$150,000 on work contracts provided to local businesses, as well as annual cash running costs of around \$120,000, many of which go to support local businesses and suppliers.

The projected cash expenses for the proposed farm are in excess of \$300,000 per year. Attached is a letter from the applicant's accountants (as Appendix 'C'), Byrnes and Swan confirming the accuracy of these figures.

This outflow of money helps to support both business owners and employees in a range of local and regional industries including various types of rural contracting, electrical and plumbing, mechanics, diesel and gas delivery, as well as shed construction and maintenance contractors.

The proposed expansion also offers a wider economic benefit to the community, providing economies of scale that enable better and more efficient food production and contribute significantly to earnings of the region from primary production on the Central Coast plateau.

16. THAT THE CURRENT OPERATIONS HAVE EXPANDED

Some residents have asserted that the nature of the farm's operations has changed, and that stocking numbers have increased. In fact numbers have not increased. The farm's current owners have reduced stocking rates in accordance with free range contract requirements. Attached is a letter from NSW Farmer's Association Poultry Meat Manager (as Appendix 'D') confirming that the previous owners of the farm (whom were members of the association) actually had the farm stocked at greater densities than present levels.

17. LIKELIHOOD OF ILLNESS TO RESIDENCE AND RISK OF EXOTIC AVIAN DISEASE

The group submission states that '...it is well known that a number of diseases in chickens can adversely affect human, especially older people and younger people eg avian flues'.

The following key facts have been taken from the Australian Government National Pest and Disease website's page providing information on avian flu.

- There have never been any cases of avian influenza viruses infecting humans reported in Australia

- Avian influenza virus of birds does not easily cause disease in humans.

Submitters also raised concerns about asthma. While it may be true that airborne dust can contribute to asthma, odour cannot (*National Environmental Management System for the Meat Chicken Industry* p 3). They assert that the Environmental Impact Statement shows that surrounding residences will be affected by winds which pass through the chicken sheds. The findings of the incorporated dust and odour modeling directly contradict this.

The objectors have offered no qualitative evidence of any kind to support their assertion that the likelihood of illness to local residents will increase.

18. THAT THERE IS A RISK OF POLLUTION ENTERING AQUIFER

Submitters have offered no explanation as to how, or any evidence to support their assertion that pollution will enter the aquifer.

A Water Cycle Management Plan was submitted as part of the development application, which addresses required impact assessments and mitigation measures for water pollution.

19. DUST AND ODOUR REPORT INACCURATE. HUNTERS NOT SHOWN AS A SENSITIVE RECEPTOR

The Hunters are shown on the map associated with the table as sensitive receptors, and are included in the data. There is a typographical error in the table.

Tables which contain transcription errors in the Dust and Odour report prepared by Benbow Environmental are currently being reviewed at Council's request. It is inappropriate to comment until the review is concluded.

20. NOISE MODELING DATA COLLECTED WHILE SHEDS EMPTY

The submission of Veronica Hockings states concern that noise modeling data was collected while the sheds were empty. This was intentionally done by Benbow Environmental during the collection of baseline data needed to calculate noise impact above normal background noise not associated with the farm.

This is actually to the advantage of objectors as current operational noise was not included in the baseline.

21. THAT THE DUST AND ODOUR MODELING IS INACCURATE, AND USES IRRELEVANT DATA

Benbow Environmental adopted the assessment methodology recommended by the NSW Department of Environment, Climate Change and Water including the guidelines for the preparation of meteorological data to be used in the dispersion model, the way in which emissions should be estimated and the relevant air quality criteria for assessing the significance of predicted odour levels from the proposal.

The use of this data is currently being reviewed at the request of Council.

The objectors have provided no expert evidence to challenge the conclusions or methodology of Benbow Environmental.

22. THAT THERE WILL BE AN INCREASE IN FLIES

As free range chickens are natural predators of flies and insects in all life cycle stages (egg, larval, pupae and adult), the sheds and ranges are generally free from flies. Objectors have provided no qualitative or scientific evidence to support their supposition that their perceived increase in fly numbers is at all related to poultry farming at 80 Bloodtree Rd in any way.

An increased insect population associated with high rainfall is currently widespread throughout NSW. Despite the submissions of objectors that 2010 is the driest year they have experienced recently, NSW Bureau of Meteorology data, as well as the BOM's *2010 Annual Climate Summary for NSW* (to be released in January 2011 and currently in draft) shows that the 2010 spring season is the wettest since records began in 1900.

23. THAT THE DEVELOPMENT WILL EXPOSE CARCASSES OF NEWCASTLE DISEASED CHICKENS

No carcasses of chickens affected by Newcastle Disease are buried at 80 Bloodtree Rd. The nearest burial pits used by the NSW Department of Agriculture are on council land, to the north of the property.

24. THAT THE COMMUNITY WAS NOT CONSULTED

The group submission made a number of allegations pertaining to the community consultation process. These will be discussed in turn.

i) That the EIS incorrectly states the date when the notification letter was sent to sensitive receptors.

The applicants relied on the advice of Aconsult, whom had informed us that the letters were mailed in April. Some months later, we became aware that they had not received any such notification. A short time later the applicants drafted and hand delivered a letter of notification.

Notification was sent well before the application was submitted to Council, and before designs and reports were finalised. The applicants personally contacted some submitters as requested to advise when the period for submissions by neighbours to Council commenced.

Rather than demonstrating a lack of effort to inform neighbours, this demonstrates the importance which the applicants placed on the notification.

ii) That no worthwhile community consultation took place

The applicants have provided full access for the surrounding residents to the consultants. On the request of neighbours, a meeting was arranged between the group and Aconsult on Friday, 6th August. The applicants were not invited to the meeting, and Aconsult was advised by the neighbours that the applicants could not attend.

Further to this, residents were invited by the applicants to visit the site and discuss the proposed expansion. We were advised by residents that some would not attend, and in particular by Mr Hunter that he would not attend 'because he didn't see the point'.

Despite this, Mr Hunter did attend. On arriving at the farm he warned that he should leave immediately as he considered himself a quarantine risk (having been in his own chicken shed that morning). On being told he could stay and posed no risk at all, he was overheard to remark to another neighbour that the visit was 'a waste of his time'.

During the site visit, a detailed and worthwhile exchange between the applicants and the neighbours occurred, during which time the neighbours were asked for suggestions and comments regarding the development.

While the visiting neighbours did have some suggestions, it was their underlying primary suggestion that the development not proceed.

Please see the entries below copied from the diary of Bernadette Mortensen (a party to the application)

June 2009 – Approached Baiada to seek a contract for expanded free range operation, which they supported. Spoke with all neighbours at the next opportunity.

Sept 2009 – Met Lorraine Hawdon and discussed the proposed farm with her. We discussed some concerns she had about increased smell from the future expanded operation.

December 2009 – The Hunters and Hockings consented to having sound monitoring equipment placed on their properties. The studies were fully explained to them by Dick Benbow.

21st June 2010 – I asked Kevin if he had received the community consultation letter. He said he had not. Then contacted the Hockings, Benhams, Shaws, Stapletons and Grechs. None had received the letters.

The proposal was discussed with Vivien Shaw, Vivien asked many questions in relation to the growth cycle of the chickens and traffic generation from the new development. She suggested a non native conifer which was fast growing as a wind break, yet did not know the name of the plant. I explained the consultant reports that have been generated as a part of the development application process.

I discussed the development with Carmen Grech and she had no objections.

Sunday 25th of July - Mr Kerry and Mrs Poppe (Carole) Zouroudis 2101 Wisemans Ferry Road visited site.

Ned showed Mr and Mrs Zouroudis the site where the proposed sheds would be placed and discussed with them our plans and a basic overview of a poultry operation. Ned showed them

some chickens which were 20 days old. They seemed pleased with the visit and remarked that they had no issue with the development and would not lodge an objection when Gosford Council notified them of the development application.

4th August 2010 - Jim Benham. Jim contacted us to arrange a site visit in order that he understand our development plans prior to the meeting that had been arranged by Kevin Hunter at his residence for some neighbours and Lorelle Fitzpatrick.

Jim expressed his support of our development plans.

7th August 2010 - Arrangement for inspection - I made an attempt to contact the following people in order to arrange a site inspection on the 8th August 2010 at 11am

Kevin and Gail Hunter – No. 67 Bloodtree Road; - spoke to Kevin

Jim and Christine Benham – No. 63 Bloodtree Road; - spoke to Chris

Neil and Veronica Hockings – No. 61 Bloodtree Road; - spoke to both Neil and Veronica

Lorraine Hawdon – No. 23 Bloodtree Road;- left a message on the answering machine detailing the meeting time and also inviting her to contact me to arrange a different time if she could not make the appointed time, we have had no response since then.

Vivien Shaw – Lot 101 Bloodtree Road. ;- left a message on the answering machine detailing the meeting time and also inviting her to contact me to arrange a different time if she could not make the appointed time

8th August 2010 – Site Visit

People who attended the site inspection, we have had no response since then.

Attendees; Bernadette Mortensen, Ned Mortensen, Kevin Hunter, Neil and Veronica Hocking, Jim Benham

Jim attended the meeting late and left early, but did not have the concerns expressed by Kevin, Neil and Veronica.

Concerns that were raised

A negative effect on property prices was raised, we advised Kevin and the Hockings that we were in no position to comment on what effect our expansion would have on their property prices. However we pointed out the current farming practice of poultry rearing was in existence prior to their property purchase. We explained that there would be benefits to properties on Bloodtree Road in that we would upgrade the transformer on the road to one that would enable three phase power for residence at our own expense. The Hockings explained that they had been told by the previous owner that the sheds would be discontinued for poultry production by now, we could not comment on what was discussed with the previous owner and did not venture into the discussion any further.

The neighbours were concerned that the composite drawing that was sent with the community consultation letter would place the drive way on a "blind corner". We explained that the picture was a guide only and took the neighbours for a walk to show the approximate location for the new driveway. They approved of the new spot yet offered suggestions to put the new driveway on Wisemans Ferry Road rather than Bloodtree Road. We explained that this could not be done due to the lay of the land and restrictions placed on where driveways can be placed. We also

explained that we had paid for the services of a traffic consultant who supported the proposed location.

Odour was raised as an issue, we explained to Kevin and the Hockings the reports supplied by Benbow included berms and plantings that would limit the effect of odour on their properties to satisfy the current standards. They suggested that we revisit the reports with Benbow to see what could be done "above and beyond the standard" to limit the impact of odour on their properties. We said that we could discuss the options with Benbow. Veronica asked if we could make a berm on their side of the road, outside their fence line, I explained that it was not our property and therefore could not make that commitment. We explained that we were committed to planting trees and shrubs above the existing sheds near the road, in addition to the plantings detailed by Benbow, but we could not do this until we had approval for the development as we did not want to have to remove plantings in order to undertake earthworks that may be needed for the development. I also explained the growth cycle and pointed out that it is only at approximately 5 weeks and 8 weeks that there is odour from the chickens. The Hockings were concerned that people, who on occasion use their property as a camping area, would not want to stay on their property due to the odour. Neil and Veronica mentioned that their clothes smell like chickens, I expressed my disbelief but made no further comment. The odour the week beginning approximately the 2nd of August, being the 5th week of the growing cycle, was raised as a odourous time, this period of time was effected by the weather and temperature inversions which we explained.

Flies were raised as an issue, I explained that there were no flies within the sheds as the chickens eat them. I offered that the increase of flies was due to the increase of rainfall in the last 18 - 24 months causing more flies to hatch, this explanation did not seem to satisfy anyone.

Noise and truck movements was raised as an issue, I explained that the feed trucks would be entering the farm approximately between 6am and 8pm. I also explained that the number of feed trucks would remain the same as before the upgrade of feed silo storage due to the increased capacity to store feed on farm. I explained the pickup schedule was dictated by Baiada's processing requirements but would be spread over a three week period. I explained the process of live bird pickup using a forklift which unloads the live bird modules from the trucks takes them into the sheds for loading then out of the sheds onto the trucks for transport. One truck takes approximately 45 minutes to load. We also explained that berms would be constructed along the driveway, roadways and vehicle areas, as detailed in the noise report by Benbow, would reduce noise disturbance.

Neil Hocking asked if he could have copies of our reports which we agreed to provide these.

Tuesday 17th August 2010 - Mr William (Bill) Bennett of Wisemans Ferry Road and Bloodtree Road.

Bill visited with me to ask how I was going with the neighbours, I explained the meetings that had taken place. Bill offered to write a letter of support.

Every effort was made by the applicants to consult with neighbours likely to be effected by the development. Time, money and energy was spent by the applicants in an effort to make the process of consultation worthwhile, harmonious and positive. This effort was significantly eroded by the attitude of some neighbours, whom have now made submissions to Council opposing the development.

iii) That residents were threatened by Mr Mortensen (an applicant).

The residents were threatened verbally by Mr Mortenson [sic] stating that if this development proposal was unsuccessful the applicants would: "do something worse like a market garden, and see how you like that" (Group submission p 2).

This is vehemently denied. While it's true that an alternative use for the farm should the application not succeed was suggested, the quote in the group submission is taken badly out of context and has been embellished by inserting the words 'worse' and 'see how you like you that'.

Written advice to Gosford City Council from NSW Agriculture limits the suitability of the farm to either poultry rearing or market gardening. While the applicants are experienced poultry farmers, the only other farming experience held at all is vegetable market gardening. The point was made in passing that, were the proposed expansion not to proceed, another agricultural use for the land would have to be implemented as the applicants were not prepared to continue to run the farm at a loss.

Any suggestion that neighbours were threatened is completely untrue. Rather, the behaviour of some submitters, their reluctance to participate in the community consultation process and a threat made by the group to the applicants through Aconsult that they would take the matter as a third party to the Land and Environment Court were the development to be approved, is considered to be highly confrontational.

v) That the EIS incorrectly states some neighbours, who have objected, actually supported the application.

Aconsult were advised as such by the applicants, whom were passing on comments of support given to them directly by the residents quoted.

vi) That some neighbours expressed support only because they did not understand the size of the expansion.

Comments of support were made at the conclusion of site visits made individually by Jim Benham and Mr and Mrs Zouroudis. These were made at the conclusion of visits when the full extent of the development were discussed.

vii) That the Zouroudis's were incorrectly told that other neighbours did not oppose.

The Zouroudis's were told that as far as the applicants were aware, other neighbours did not object. This was true at the time. Please refer to the chronology of meetings and objections outlined by the included extract from Bernadette Mortensen's diary.

viii) That the letter of support by a neighbouring farmer, Mr Bill Bennet should be discounted because his farm is 2km to the north.

Mr Bennet is also the owner of a property 250m to the south west of 80 Bloodtree Rd, which he rents to residential tenants.

There is little to write about this other than many of the objectionable submission arising from friends and relatives of the group submitters whom object to the proposal do not even live in the same region as the development.

25. THAT THERE IS INSUFFICIENT WATER FOR THE DEVELOPMENT

A full assessment has been made of water requirements, and is included in the EIS. This scientific and calculated assessment must be preferred to the unsupported submissions made by residents that there is insufficient water.

26. THAT THE GENERATOR WILL CREATE UNACCEPTABLE NOISE

The generator is a diesel powered Aksa, which is fully enclosed by the manufacturer in sound proof housing. It will also be located behind the noise barrier berm in the proposed development. This type of low noise generator was specifically purchased by the current operators at a greatly increased cost to a normal generator so that it would not produce noise disturbing the livestock, residence or neighbours of the existing farm.

The generator is only used in the event of mains power failure to the farm.

27. THAT THE PROPOSED SHEDS LIMIT WILDLIFE ACCESS TO WHIPBIRD CREEK

The proposed expansion preserves wildlife corridors near the new sheds.

The flora and fauna study addresses the concerns of neighbours in a qualitative and scientific way, and must be preferred to the unsubstantiated assertions of the objectors.

28. THAT THE PROPOSED FANS WILL CREATE DUST

The fans are located internally within the shed, and are installed to circulate fresh air internally within the shed. They are well away from the litter and do not generate dust, and are not positioned in a way that ejects air from the sheds.

29. IMPACT ON SPORTS GROUND

The sports ground is protected by a significant tract of natural vegetation as well as elevated topography.

The sports ground is nearer to a large commercial orchid operation, that regularly spreads manure on the property.

The objecting residents have included no scientific modeling or data to support their supposition that users of the ground will be adversely affected.

30. THAT THE ELECTRICAL DRAW OF THE PROPOSED EXPANSION WILL DISADVANTAGE NEIGHBOURS

Energy Australia will not allow connections to the local grid that cannot be supported.

Further to this, the applicants have a keen interest in utilising, and are currently researching alternate power supplies such as solar energy.

31. THAT QUALITY OF CAPTURED RAINWATER WILL DETERIORATE

Some submitters have expressed concern that dust generated by the farm will settle on roof areas and reduce the quality of collected drinking water.

This supposition is based on the assertion that the free range poultry will generate dust (which has already been discussed elsewhere in this submission) together with a further assertion that the dust will include harmful particulate matter. Both claims are not supported by any scientific evidence or modeling, and are completely unsubstantiated.

32. THAT THERE ARE MAPPED VEGETATION COMMUNITIES ON THE SITE

Further works surveying flora and fauna within the site are currently being conducted at Council's request.

