

Notice

Environmental Protection Act 1994 Environmental Evaluation

Notice requesting further information

This notice requesting further information in response to receiving an environmental report about an environmental investigation is issued by the administering authority pursuant to section 326F(2) of the Environmental Protection Act 1994.

Hopegate Pty Ltd
ACN 056 293746
30 – 60 Gilston Road
Nerang, QLD, 4211

Your reference: EPPR00238913

Our reference: C-CPLRC-100066251/ ENF E-100318616

Thursday, 15 June 2023

Take notice: that under the *Environmental Protection Act 1994* (the Act), a notice requesting further information on an environmental report is issued to Hopegate Pty Ltd (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

This notice requesting further information is issued in respect of the activities by Hopegate Pty Ltd on land described as 30-60 Gilston Road, Nerang at Lot 2 on RP210515 and Lot 1 on RP102492 (the premises).

The further information is required in regard to a report on an environmental investigation submitted by you to the department on Thursday, 1 June 2023.

A. Grounds

The notice requesting further information is issued on the following grounds:

1. A notice to conduct or commission an environmental investigation was given to you by the department on 21 October 2022 (the notice).
2. An environment report was submitted by you to the department on 1 June 2023.
3. A statutory declaration was submitted by you to the department on 1 June 2023.
4. The environment report is comprised of:
 - The Odour Unit Pty Ltd (TOU) report entitled “Environmental Evaluation (E-100318616), Odour Investigation Report” Version 1, dated May 2023; (The odour report) and

- Rodney Stevens Acoustics Pty Ltd (Rodney Stevens Acoustics) report entitled “Mechanical Plant Noise Impact Assessment” Nerang Park Poultry 45 – 60 Gilston Road, Nerang QLD Revision 1, dated 26 May 2023 (the noise report).
5. Pursuant to section 326F(2) the administering authority may, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
 6. The department has reviewed the environmental report and determined that further information is required in order to decide whether to approve the environment report.

B. Facts and Circumstances

The facts and circumstances forming the basis for these grounds are:

1. **The notice states in *Part 2: You must require the AQP to evaluate both point and fugitive air emission sources which are likely to contribute to the generation and release of odour. The evaluation must: iv. Include source sampling and measurement to determine odour emission rate from all potential sources at the premises (under worst case scenarios).***

Section 2.5 of The Odour Unit's report discusses the emission sampling of the live bird area however does not describe if it occurred under worst case scenario.

2. The notice requirements state ***Part 3: Field odour survey (b) The field odour surveys must meet the following requirements: (iii) Must be timed to occur during worse case emissions from activities on the site;***

Clarification is needed regarding the days chosen for field odour ambient surveys to be completed.

3. **Part 5: Investigate odour management and control systems of the requirements of the notice state that:**

You must require the AQP to review adequacy, capacity and performance of the current odour management and control systems on site in relation to environmental performance. This review must include detailed assessment of the:

- a. *Live bird area building and receival area (including building size, structure, openings, doors, windows, ventilation, insulation, surface materials and sprinkler or deodoriser systems) and live bird area fans;*
 - b. *Wastewater treatment tanks;*
 - c. *Offal storage and transfer area;*
 - d. *Sludge spirotainer collection system; and*
 - e. *Should consider the increase in production over the last three years.*
- The department has been informed that you have installed a deodoriser sprinkler system called Plethosands. The environment report does not include a review of the deodoriser/ sprinkler systems used at the premises.
 - The environment report discusses the offal storage and transfer area as a potential odour source when combined with the odour from the livebird area but does not include a review of any odour management measures implemented for the offal storage and transfer area or whether these are adequate and appropriate.
 - The department is aware of occasions where the centrifuge/ spirotainer has required pumping out due to blockages. You have reported issues with the spirotainer collection system in that it has been requiring to be serviced more frequently than and not in accordance with routine maintenance. These occasions have at times coincided with community reports of offensive odour. The environment report does not discuss the spirotainer collection system and whether it is adequate in size, capacity, functionality for this premises. It also does not discuss a review of

the operational processes, including maintenance and monitoring of the spirotainer to ensure it is operating appropriately.

4. Part 6 of the notice required ***“Based on the findings of Parts 2 – 5 of this investigation notice, you must require the AQP to make recommendations that will achieve no offensive odour emissions at sensitive receptors. The recommendations must consider at least the following matters: v. Include a feasibility study for the measures recommended by the AQP.”***

The report does not include a feasibility study of the proposed mitigation measures. Specifically, whether the facility can operate in compliance with other nuisance provisions with the implementation of more fans and changes to operating times as well as any feasibility assessment regarding the other long term recommendations made in Section 6.1.1 of the odour report.

5. The requirements of the notice include ***Part 6 (b) You must require the AQP to carry out dispersion modelling for both emissions during processing time (early morning - midday) and outside of processing time (e.g. night time cleaning) to confirm the effectiveness of the proposed remediation measures.***

The dispersion modelling does not appear to include any of the recommendations made by TOU in section 6.1.1 regarding short term or long term improvements to the facility.

6. The department has previously provided advice to you and Rodney Stevens Acoustics about the noise report, including:
- 11 November 2022 you submitted the Mechanical Plant Noise Impact Assessment.
 - The department reviewed this document and provided feedback including that the report did not meet the requirements of Part 7 and 8 of the notice requirements on 12 January 2023.
 - The department subsequently met with you and representatives of Rodney Stevens Acoustics on 2 February 2023 to discuss the feedback and the particular concerns regarding the noise monitoring and work completed.
 - The department reviewed a draft investigation plan provided by you on 16 March 2023.
 - The department provided further feedback regarding the investigation plan by email on 23 March 2023.
 - The feedback provided by the department was not adequately incorporated into the investigation undertaken and environmental report submitted.
7. ***Part 7(a)(ii) of the notice states You must require the AQP to develop and implement a noise investigation plan for the premises which must include the following – An audit of all activities, equipment and infrastructure at the premises to identify all actual and potential noise nuisance sources that may contribute to noise nuisance beyond the boundary of the premises (both during the day and night).***
- The noise report does not identify all potential noise sources. The report focuses on mechanical plant and does not adequately consider the contribution of truck and forklift movements around the livebird area to the cumulative noise impacts.
 - The report does not appear to consider the ammonia refrigeration plant and the DAF and their contribution to noise both day and night.
8. ***Part 7(a)(iv) requires that You must require the AQP to develop and implement a noise investigation plan for the premises which must include the following – noise monitoring in compliance with the department’s Noise Measurement Manual over an appropriate timeframe to inform the investigation and assess impacts to sensitive receptors.***
- Section 3.1 of the noise report states that *“As the plant could not be shut down for the background readings, therefore the background readings were conducted at the locations that is not influenced by the operation of the plant.”*
 - The department considers that the noise report does not appropriately monitor the background noise levels. The location of the background readings are in close vicinity to the premises and associated noise sources and therefore are likely impacted by the facility. In inspections conducted by the department during night time, influence of the noises from the activity was observed up to 400-500m from the premises. The noise report states the background measurements were taken within 100m of the premises.

- On the 12 January 2023, 2 February 2023 and 23 March 2023, the department provided feedback regarding the background monitoring locations specifically noting that all plant, equipment and other noise sources at the facility must be switched off if the proposed background locations were to be used.
- The Noise Measurement Manual requires that background be determined without the influence of the activity.

9. Part 7(a)(vi) requires identification of existing noise mitigation measures at the premises.

The noise report does not adequately identify the existing noise mitigation measures. The two noise barriers are shown on Figure 5-1. Noise Sources Locations however no other noise mitigation measures are identified. Further information is required regarding any other existing noise mitigation measures on site both physical attenuation as well as processes and procedures to reduce noise.

10. Part 7(a)(vii) requires an assessment of the adequacy and effectiveness of all existing noise mitigation measures.

The report does not assess the adequacy and effectiveness of the two noise barriers or any other existing noise mitigation measures on site.

11. Part 7(a)(viii) requires a comparison of existing noise mitigation measures (technology, infrastructure and procedures) against noise mitigation best practice.

There is no discussion of best practice measures to mitigate noise. The existing noise barriers are not compared to best practice designs. The other noise sources on site and their attenuation, with an assessment against best practice is not provided.

12. Part 7(b)(ii) states propose recommended actions with implementation timeframes to ensure the activity operates in compliance with the environmental authority.

No timeframes are provided for proposed works.

The report does not adequately demonstrate that the recommended actions will ensure the activity operates in compliance with the environmental authority due to concerns with background monitoring and not considering all noise sources at the facility.

13. Part 7(b)(iii) requires develop procedures for assessing noise complaints from the community and assess potential impacted from changes to operations prior to implementing changes.

There are no procedures included within the noise report.

14. Part 7(b)(iv) Ensure any proposed changes to procedure, equipment, infrastructure, technology and operations to address noise nuisance do not adversely increase odour nuisance.

The recommendations to build walls around the cooling towers and live bird area extraction fans do not include any consideration for their potential impact on affecting air dispersion and therefore the impact on odour.

15. Part 8: Consideration of both odour and noise of the notice requires that *(a) You must require the AQPs who carried out requirements Part 2 to 7 to jointly consider all proposed changes to address odour and noise nuisance to assess recommendations for noise mitigation measures which may adversely affect odour mitigation measures, and vice versa.*

The odour report does not contain any mention of considerations to noise impacts as a result of the proposed improvements.

The noise report does not consider the potential impacts to the live bird area fans ability to disperse odour with proposed augmentation in the form of walls around the fan areas.

16. Part 1 (a) of the notice required demonstration of engagement of the AQP and their academic qualifications.. During a telephone conversation with you on 14 June 2023, you provided the following advice that Rodney Stevens of Rodney Stevens Consultants had retired some time ago and you could not confirm the extent to which Rodney Stevens had been involved in the noise investigation and noise report. This advice is apparently in conflict with the information provided in the submitted noise report.

C. Requirements

The further information you are requested to provide is as follows:

Odour

1. Further information is requested regarding the source sampling and measurement to determine odour emission rate under worst case scenarios and the sampling results provided in section 2.5 of the odour report. To meet this requirement:
 - (a) Clarify the number of live birds within the livebird area at the time of emission testing and evaluation as to whether this is representative of worst case emissions.
 - (b) Provide justification to demonstrate whether point source and fugitive air emission sources were sampled under worst case scenarios for the site.
 - (c) Confirm if the results reported in Section 2.6 of the odour report regarding the biofilter inlet and outlet odour concentrations is correct. The biofilter 1 inlet (before treatment) was 512 ou and biofilter 2 outlet (after treatment) was exactly the same (Table 2.1). If necessary, conduct further testing of the biofilter inlet and odour for odour concentrations and comprehensive investigation on the performance of the biofilters.
 - (d) Clarify what methodology was used to sample from the surface of the biofilter (Section 2.5 of the odour report) and if this occurred in accordance with the sampling method described in *Australian Standard AS/NZS 4323.4:2009 "Stationary source emissions –Method 4: Area source sampling – Flux chamber technique"*.
2. Further information is requested to determine whether field ambient odour surveys were undertaken under worst case scenario emissions from the site (for example, timed for days of high amounts of bird processing).
3. Further information is requested regarding the review of the adequacy, capacity and performance of the current odour management and control systems on site in relation to environmental performance. To meet this requirement:
 - (a) Provide a review of the Plethosands system (or any other sprinkler deodoriser) in use at the premises which assesses whether or not it is adequate and how it is performing in odour management and controls to improve environmental performance.
 - (b) Provide a review of the offal storage and transfer area and existing odour management systems, including its adequacy and performance in reducing odour emissions.
 - (c) Provide a review of the existing spirotainer collection system, its size, capacity and function and make an assessment of its environmental performance.
 - (d) Provide a review of the operational processes relating to the spirotainer collection system, including any cleaning, emptying and maintenance of this system to minimise odour emissions.
4. Provide an explanation as to why biofiltration, considered to be a five-star treatment by TOU, is not recommended as a preferred technology for use in reducing odour from the livebird area at the facility.

Notice requesting further information

5. Provide further information and justification regarding the use of 0.26ou.m3/kg as the emission factor in Scenario 5, Sensitivity Test B modelling.
6. Provide justification for the estimated ground level odour concentration of 5 ou over a very large area around the facility under Scenario 5, Sensitivity Test A. Provide advice as to whether TOU consider this level of odour concentration at the sensitive receptors is appropriate?
7. Section 5.6 discusses the dispersion modelling stating “Where cleanliness of birds is managed”.
 - (a) What actions are taken to manage the cleanliness of birds?
 - (b) Provide further information regarding the reliability of the assumption that bird cleanliness can be effectively managed by the facility.
 - (c) What are the recommendations on how recommendations can be implemented in an ongoing manner as it is a critical part of achieving the predicted reduction in odour emissions at sensitive receptors?
8. Further information is requested regarding the recommendations to achieve no offensive odour emissions at sensitive receptors. To meet this requirement:
 - (a) Confirm the estimated change in the amount of air extracted vs input in the livebird area with 4 additional fans installed on the livebird area roof.
 - (b) Provide further information regarding the specifications of the installation of the live bird area fans recommended under section 6.1.1 of the odour report including:
 - i. Does TOU have specific recommendations on the location, type, size of fans?
 - ii. What timeframe required to implement this?
 - (c) Provide further information regarding recommendations in Section 6.1.1 of the odour report for the use of a masking/ neutraliser as a short term measure, including:
 - i. How this system differs from the plethosands and previous deodorisers which were used at the site.
 - ii. Is this in addition to/ or instead of the plethosands sprinkler system?
 - iii. Justification and evidence as to the likely improvements this will make to odour emissions from the livebird area.
 - iv. The type of odour masking/ neutralising system which should be used, including the optimal placement of the sprinklers and design of sprinklers for this system.
9. Provide evaluation of the noise contribution the additional fans will have, particularly under 24 hour operation.
 - (a) Provide a evaluation of alternative fan types/ sizes which may allow for effective air dispersion with less contribution to noise?
10. The dispersion modelling in the odour report shows a significant difference in the odour concentration at sensitive receptors between scenario 2 and 3 (fans running only during times birds are present and fans running 24/7). As outlined in the notice, there are concerns regarding noise nuisance from the facility at sensitive receptors. Where the fans being run 24/7 may not achieve compliance with the noise limits within the environmental authority, provide further advice on what other actions can be undertaken to reduce the odour to an acceptable level?
11. Section 5.4.5 of the odour report models application of various improvement scenarios, however focus largely on the optimisation of the biofilter, addition of fans and change of operating times for fans. Section 5.4.5 identifies the preferred scenario of 4 additional fans on the livebird area and running fans 24 hours a day. The odour report states that *The dispersion modelling predicted an 86% reduction in odour concentration beyond the NPP Facility boundary and with the DES odour concentration criteria met under the preferred odour control solution. Under this circumstance, future odour impacts at nearby sensitive receptors are expected to be adequately mitigated.* However, then goes on to identify the long term strategy in Section 6.1.1 as including changes to the footprint and design of the livebird area enclosing moving truck unloading and crate washing to within the building. However, no further information is provided regarding the proposed improvements to the building footprint etc. Further information is requested regarding the recommendations to achieve no offensive odour emissions at sensitive receptors. To meet this requirement:

- a) Provide TOU's recommendations to ensure that the facility operates without causing environmental nuisance at sensitive receptors.
 - b) Provide modelling and evidence to support what level of odour reduction at sensitive receptors the changes to the building footprint and activities will have.
 - c) Provide confirmation as to whether the addition of four new fans achieve the design specifications listed in Section 6.1.1 (2b. Achieve a differential negative building pressure at the engineered openings and 2f. Vertically-oriented and high exit velocity discharge at roof level.)?
 - d) What other actions should be taken by you to achieve the other design specifications in section 6.1.1 (2)?
12. The environmental report did not include a feasibility study for the proposed mitigation measures. To meet this requirement, provide an assessment of the feasibility of implementing each of the recommendations in Section 6.1.1. of the odour report and any additional recommendations by TOU.

Noise

13. Further information is requested regarding the noise investigation plan. To meet this requirement:
- (a) Ensure all noise sources from the facility are accounted for in the noise monitoring and modelling. Including but not limited to, truck movement, forklifts, DAF and Ammonia Plant associated noise.
 - i. Provide further information regarding if the noise from the above mentioned sources were measured during cumulative impact noise monitoring, including whether these activities were occurring at the time of monitoring?
 - ii. Provide further information regarding whether the modelling undertaken in section 5 of the noise report includes noise from the above mentioned activities? If yes, please provide further information on how these sources have been included in the model.
 - iii. If the monitoring and/or modelling has not included the above mentioned noise sources, undertake additional work to determine the relative impact these activities have on the cumulative impact.
 - (b) Provide additional information regarding noise source associated with the collection of offal. Which of the noise sources in the noise report accounts for this noise?
14. Provide an appropriate background noise reading for the premises. The background must be without the influence of the facility's noise. As previously advised, the contributing noise can be accounted for by adjusting the background noise level, otherwise an alternative location for background readings must be determined and the monitoring redone.
- (a) Further information is needed to support background readings obtained. Advise what plant, equipment and activities were occurring at the premises at the time of the readings occurring (for example were trucks operating at the time of the readings, were fans and ammonia plant operational?) and any adjustments made to the background.
 - (b) The timing of the background readings appear to be before the plant starts to process livebirds but falls within peak truck delivery times. Provide justification for the time at which background is calculated.
15. Further information is required regarding the existing noise mitigation measures. The only noise mitigation measures identified in the noise report are the two sound barriers, however the department was informed that there were changes occurring to the feather pumps which would reduce noise. To meet this requirement:
- (a) Provide information on all noise mitigation implemented on site and what changes have been made to reduce noise emission.
 - (b) Provide information as to whether changes to the feather pumps has occurred and if so, what was the impact on noise emission as a result of the change.
 - (c) Advise if the changes to any plant or equipment or addition of any noise mitigation measures have been effective in reducing noise impacts to surrounding residences?

Notice requesting further information

- (d) Are there any operational processes being implemented or proposed to reduce noise, for example ensuring trucks are not idling on site unnecessarily? Does the facility have processes in place to switch off particular plant and equipment after use to reduce noise?
- 16. Further information is required regarding all actual noise nuisance sources at the premises. Figure 5-1 of the noise report shows noise sources. To meet this requirement:
 - (a) Confirm the location of the feather pumps in Figure 5-1; and
 - (b) Confirm the location of the compressors (Table 3-1 states there are two compressors on the roof however the figure shows it in the driveway leading to the livebird area).
- 17. Further information is required regarding all potential noise nuisance sources at the premises. The noise report states that Figure 5-1 Figure below presents *the noise model layout along with the noise sources and the current noise barriers*. It also states *“To predict the noise levels, noise data in Table 3-1”*. Table 3-1 lists 6 fans at the livebird area, not the total 8 with the addition of 4 fans. To meet this requirement:
 - (a) Confirm if the model accounts for 6 or 8 fans.
- 18. The modelling shown in section 5.3 states that *“The noise modelling takes into consideration the sound power level of the proposed site operations, activities and equipment, and applies adjustments for attenuation from geometric spreading, acoustic shielding from intervening ground topography, ground effect, meteorological effects and atmospheric absorption.”* As mentioned under points 13 and 16, provide demonstration that all noise sources have been included in this model and if necessary undertake additional monitoring on site for use in the model for revised model output.
- 19. Further information is requested regarding potential noise nuisance sources at the premises during the night. The models shown in Appendix B of the noise report show before treatment and after treatment. It is assumed that the model includes day time operations. To meet this requirement:
 - (a) Provide modelling of the night time impact, particularly considering the proposed change to 8 fans on the livebird area running 24 hours a day.
- 20. Further information is requested regarding the existing noise mitigation measures and noise mitigation best practice. To meet this requirement:
 - (a) Provide an overview of the noise mitigation measures considered for this facility including consideration of whether the existing noise mitigation meets best practice.
 - (b) Explain whether alternative plant or equipment with lower sound power levels were considered.
 - (c) Demonstrate whether the existing noise mitigation meets best practice and how?
 - (d) Demonstrate whether the proposed noise mitigation meets best practice and how?
- 21. Further information is requested regarding written procedures. To meet this requirement:
 - (a) Provide the written procedures required under requirement 7(b)(iii) of the notice.
- 22. Provide written advice from Rodney Stevens Acoustics confirming who the AQP was for the noise report and subsequent information request response that is the subject of this notice. Where the AQP is inconsistent with information previously provided on 5 October 2022 and 11 November 2022 you are requested to provide updated details of the AQP skills and qualifications in line with Requirement 1 (a) of the notice.

Both

- 23. Ensure that TOU and Rodney Stevens Acoustics jointly consider the proposed improvements to the facility and ensure each operator has accounted for these changes in their reports. The reports must contain information on how the proposed changes may impact either odour or noise and what can be done to manage the respective impacts.
For example: how will the addition of four vertical fans in their proposed locations impact the noise levels emanating from the facility and how will this affect the ability for the site to comply with its environmental authority. How will the proposed change from fans running during livebird presence only, to running 24/7 affecting the noise from the facility? Additionally, how will the installation of a sound wall around the fans affect the ability of the fans to disperse air from the livebird area to reduce odour emissions?

The further information must be submitted to the department on or before **Wednesday, 6 September 2023**.

Take notice:

1. The requirements of this Notice to provide further information take effect immediately upon service of this Notice.
2. This Notice remains in force until further notice from the department
3. You are responsible for meeting the costs of providing the further information to the department.

C. Reviews and appeals

There are no review or appeal rights under the *Environmental Protection Act* for a request for further information made under section 326F(2).

A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

Under the *Judicial Review Act 1991*, a person whose interests are, or would be adversely affected by a decision of the department is able to:

- Request a statement of reasons from the department explaining the decision
- Apply to the Supreme Court for a statutory order of review of the decision if the person is not satisfied with the statement of reasons.

You may have other legal rights or obligations and should seek your own legal advice.

If you fail to provide the further information, the department will make a decision about the environmental report on the information already submitted.

Should you have any queries in relation to this notice, please contact Jamie-Lee Young of the department on telephone number 07 5626 6811.



Signature

15 June 2023

Date

Nadine Cooper
Compliance Delegate
Delegate of the Chief Executive
Department of Environment and Science
Environmental Protection Act 1994

Enquiries:

Jamie-Lee Young
Ph: (07) 5626 6811
Email: goldcoast.es@des.qld.gov.au