

Dr Bruce Flegg MP



Member for Moggill

Website: www.moggill.net

3 September 2014

Hon. Dr John McVeigh
Minister for Agriculture, Fisheries and Forestry
GPO Box 46
BRISBANE QLD 4001

Dear Minister *John*



I have met today with a number of the neighbours of the Fat Hen Pty Ltd chicken farm at 180-210 Hawkesbury Rd, Moggill.

There has been a large amount of correspondence backwards and forwards, initially between residents and the Brisbane City Council who at that time had responsibility for the environmental and local community impacts of this activity, and more recently with your department who now, through the Environmental Protection Agency, have responsibility for these issues.

Under previous consultation with the Brisbane City Council, residents and local Councillor Margaret de Wit had made good progress in assessing the impact and attempting to put in place a satisfactory enforcement regime that would prevent the Fat Hen chicken farm from continuing to produce hazard and annoyance to their residential neighbours.

As you will see from the considerable file of correspondence, your department found that Fat Hen was creating a nuisance (as defined by the Environmental Protection Act 1994) to their neighbours.

The impact on Hawkesbury Road neighbours falls broadly into three categories. Firstly, odour; secondly, dust; and thirdly, vehicle movements outside of the permitted hours for the movement of commercial vehicles associated with chicken production.

Among the concerns that my constituents have—and I must say they seem to be very reasonable concerns—is that, as well as the unpleasantness of the odour from the daily cleaning out of bird faecal material, large dust clouds (which my constituents have photographed on many occasions and shown to me) indicate quite clearly that material that may well periodically pose a biohazard is escaping the confines of the property.

It is my understanding that conditions were imposed upon or at least requested of Fat Hen under an Environmental Protection Order (EPO) on 14 July 2014.

I am unaware what these conditions were and, if at all possible, I would like you to let me know what conditions have been placed on this operator under the EPO.

What I can assure you is that conditions have not improved. Neighbours are still subjected to unpleasant odour, dust and almost certainly potential biohazard, as well as noise from vehicle movements.

I would further point out that over the years this production facility has been greatly enlarged and is now home to some 200,000 birds. In hot weather the health and survival of the chickens depends on large extractor fans that remove the heated air and associated particles to cool the sheds.

Obviously the impact and potential impact on neighbours will vary greatly with weather conditions such as wind direction and strength.

I notice that in recent correspondence your department has stated "it is considered that the dust and odour nuisance in this instance is not serious or material environmental harm".

I know these responsibilities are relatively new to State Government and your department and that local government traditionally has had more experience in dealing with nuisance such as noise, dust, odour, etc., but I think it is easy to imagine how intrusive a problem of this nature that operates 24/7 can be in the lives of neighbours.

The sheds themselves, despite being on a 20 acre property, actually abut one of the property boundaries and are therefore near residential dwellings.

I want to raise the following points specifically:

- I would like to know the status of the proprietor's response to the EPO of 14 July 2014.
- I am concerned that an impact as clearly significant as this should be deemed to be "not serious or material environmental harm" under the EPA. Whilst some monitoring may take place for particle levels, no monitoring can adequately detail the impact under constantly changing climate conditions. A situation that might be relatively lower impact one day may have a severe impact the next day under different wind conditions.
- As a medical practitioner all my life, I have considerable concerns in relation to a number of matters. Firstly, we are well aware of the problems experienced by our neighbours in South East Asia with avian flu, and this occurs where there is close contact between poultry and human beings and can have a very high fatality rate. Avian flu is in fact spread by migrating wild birds, and quarantine and even distance are no assurance that this will not be a problem in Australia.

There is also concern about allergens that come from both feathers, skin and faecal droppings, which may affect some people and not others. And as I am sure your department is aware, faecal droppings are heavily contaminated with microorganisms that may potentially have an impact on neighbours and the activities of adjoining property owners. Neighbours report that they have in fact experienced these sorts of health impacts and I must say that it would not be unexpected that an antigen load of this size would impact human wellbeing.

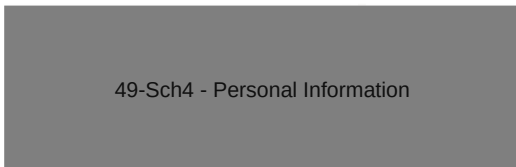
I understand that this is a challenging situation. The chicken farm, although originally a much smaller enterprise, has been there since 1962 and we all understand that there are rights and protections under the previous existing approvals; however, this area is in essence these days a residential area and I believe that enforcement activity is necessary to ensure that, particularly, the three hazards detailed above are contained.

There are no doubt technologies available that can dampen dust emissions, suppress the odour from extracted air and the like, and I think it is about time we acknowledged that this is a residential community where people are simply trying to get along with their lives unhindered. The presence of this commercial activity is, whilst legitimate on a historical basis, out of place with the nature of the community and I believe that a tougher stance on ensuring that dust, faecal contaminants, odour and noise do not occur beyond the margin of the property is needed.

I look forward to your response.

I have also copied your colleague, the Minister for Environment and Heritage Protection, The Hon. Andrew Powell.

Yours faithfully



Dr Bruce Flegg MP
Member for Moggill

Cc: Minister for Environment and Heritage Protection, the Hon. Andrew Powell

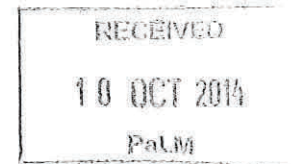
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8 October 2014

Chief Executive
Department for Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001



Dear Sir

I write on behalf of several of my constituents who are neighbours of the Fat Hen Pty Ltd chicken farm at 180-210 Hawkesbury Rd, Moggill and have strong concerns with the current administration of the Environmental Protection Order (EPO) in place.

These neighbours have for a number of years now experienced persistent environmental nuisance from the Fat Hen farm and they have over this time pursued a resolution to the matter both with the Brisbane City Council, and, more recently, with the Department of Agriculture, Fisheries and Forestry (DAFF) who now have responsibility for such issues.

DAFF has this year determined that Fat Hen was creating a nuisance (as defined by the Environmental Protection Act 1994) to its neighbours and conditions were subsequently imposed upon the farm under an EPO on 14 July 2014.

I understand from this EPO that the Chief Executive of the Department of Environment and Heritage Protection is its administering authority.

My constituents assure me that conditions on site have not improved since the issuing of the EPO and that neighbours are still subjected to unpleasant and invasive odour from bird faecal material; large dust clouds (which have been photographed on numerous occasions and shown to me) that routinely escape the confines of the farm; and out-of-hours vehicle noise.

Despite this continuing and potentially hazardous nuisance, my most recent correspondence from DAFF indicated that a recent audit found Fat Hen to be in compliance with the EPO's conditions.

Obviously the impact and potential impact will vary greatly from day to day due to weather conditions, such as wind direction and strength, and I think it is easy to see how intrusive a problem of this nature, that operates 24/7, can be in neighbours' lives.

The sheds themselves, despite being on 20 acres, actually abut one of the property boundaries and are therefore very near to residential dwellings.

The presence of this commercial activity is, whilst legitimate on a historical basis, out of place with the nature of the community and I believe that a tougher stance on ensuring that dust, faecal contaminants, odour and noise do not occur beyond the margin of the property is needed.

I would urge the Department in its administration of this EPO to take a strong and effective stance against these reported breaches to limit the nuisance and pollution experienced by both neighbouring residential properties and the local riparian environment.

I look forward to your response.

Yours faithfully

49-Sch4 - Personal Information

Dr Bruce Flegg MP
Member for Moggill

RTI DL RELEASE - EHP

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Minister for Environment and Heritage Protection

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28 OCT 2014

Dr Bruce Flegg MP
Member for Moggill
PO Box 328
KENMORE QLD 4069

Dear Dr Flegg

Thank you for your letter of 8 October 2014 making representation on behalf of your constituents concerning the reported nuisance allegedly caused by Fat Hen Pty Ltd Chicken Farm.

Please note that several regulatory agencies have responsibility for administering the *Environmental Protection Act 1994*, including the Department of Environment and Heritage Protection, the Department of Agriculture, Fisheries and Forestry and local governments. In this instance, the Department of Agriculture, Fisheries and Forestry is responsible for regulating the Fat Hen Chicken Farm.

Given the issues you have raised regarding Fat Hen Pty Ltd Chicken Farm fall within the portfolio responsibilities of the Honourable Dr John McVeigh MP, Minister for Agriculture, Fisheries and Forestry, a copy of your correspondence has been passed on to him with a request that a reply be forwarded to you at the earliest opportunity.

Yours sincerely

ANDREW POWELL MP
Minister for Environment and Heritage Protection