

ASSESSMENT REPORT

TOOHEYS BREWERY MP06_0303 MOD 6

1. BACKGROUND

This report is an assessment of a request to modify the Project Approval (MP 06_0303 MOD 6) for the Tooheys Brewery in the Auburn local government area. The request has been lodged by Beca Pty Ltd on behalf of Lion Beer, Spirits and Wine Australia (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for internal and external upgrade works to the existing plant and a reduction in the number of car spaces on the site.

2. SUBJECT SITE

The Tooheys brewery is located in an industrial area at 29 Nyrang Street, Lidcombe. The site adjoins existing industrial premises on three sides and a residential area to the east. The site is L-shaped with an area of approximately 8.6 hectares (see **Figure 1**).



Figure 1: Site Location

The brewery produces a maximum of 3.3 million hectolitres of beer per annum and includes processing, packaging and administration facilities, silos and storage tanks, a waste water treatment plant and an electricity sub-station. The brewing activities operate 24 hours a day, seven days a week.

3. APPROVAL HISTORY

The site was originally used as a packaging facility until brewing operations commenced in 1978. On 18 July 2007 Project Approval (MP06_0303) was granted for a major upgrade to the brewery. Key aspects of the upgrade include:

- new beer processing building and upgrade of associated beer processing equipment;
- a new Bright Beer Tank (BBT) cellar and BBTs;
- and increase in production capacity up to 3.3 million hectolitres of beer per annum; and
- upgrade of utility services including the heating, refrigeration and compressed air plant.

In addition to the requirements in the Project Approval, the Proponent is required to operate the facility in accordance with the Environment Protection Licence (EPL) No. 1167 issued by the Environment Protection Authority.

The Project Approval has been previously modified on five occasions, which involved the following changes:

- installation of a 2 megawatt cogeneration plant in order to reduce the brewery's reliance on grid electricity (MOD 1);
- installation of a new fermentation vessels and make minor changes to the site layout to allow for a longer processing time for the Heineken product (MOD 2);
- installation of a new cooling tower and wastewater treatment plant to meet Sydney Water's effluent trade waste requirements (MOD 3);
- increase in the operational noise limits for the site as set out in the Project Approval and the EPL (MOD 4); and
- deletion of a condition in relation to odour sampling and monitoring (MOD 5).

5. PROPOSED MODIFICATION

On 22 January 2016, the Proponent lodged a section 75W modification application (MP 06_0303 MOD 6) seeking approval to upgrade existing plant to improve operational efficiencies and safety of existing manufacturing processes. The proposed modifications are outlined in **Table 1**, as follows:

Table 1: Summary of Proposed Modifications

Proposed Modification	
<i>Internal works</i>	<ul style="list-style-type: none">• upgrading the depallitiser plant on the ground floor of Bottling Hall 2 and the packaging plant on the first floor of Bottling Hall 1 to ensure compliance with current safety standards;• internal and non-structural modifications and a fire safety upgrade to comply with Building Code Australia;
<i>External works</i>	<ul style="list-style-type: none">• installation of a new grain intake structure and silos approximately 12 metres in height to enable the fast unloading of trucks;• construction of a new fire pump facility to at the Nyrang Street frontage to comply with the BCA fire safety standards; and• removal of 22 car spaces to accommodate the new fire pump facility, resulting in 375 remaining car spaces.

The location of the proposed works is illustrated in **Figures 2 and 3**. Details of the external buildings works is illustrated in **Figures 4 and 5**.

The proposed modification would not result in any changes to the:

- production capacity of 3.3 million hectolitres of beer per annum;
- general layout of the site;
- existing access arrangements;
- number of employees;
- existing site drainage;
- number of truck movements to and from the site; or
- operating hours as approved at 24 hours a day, seven days a week.

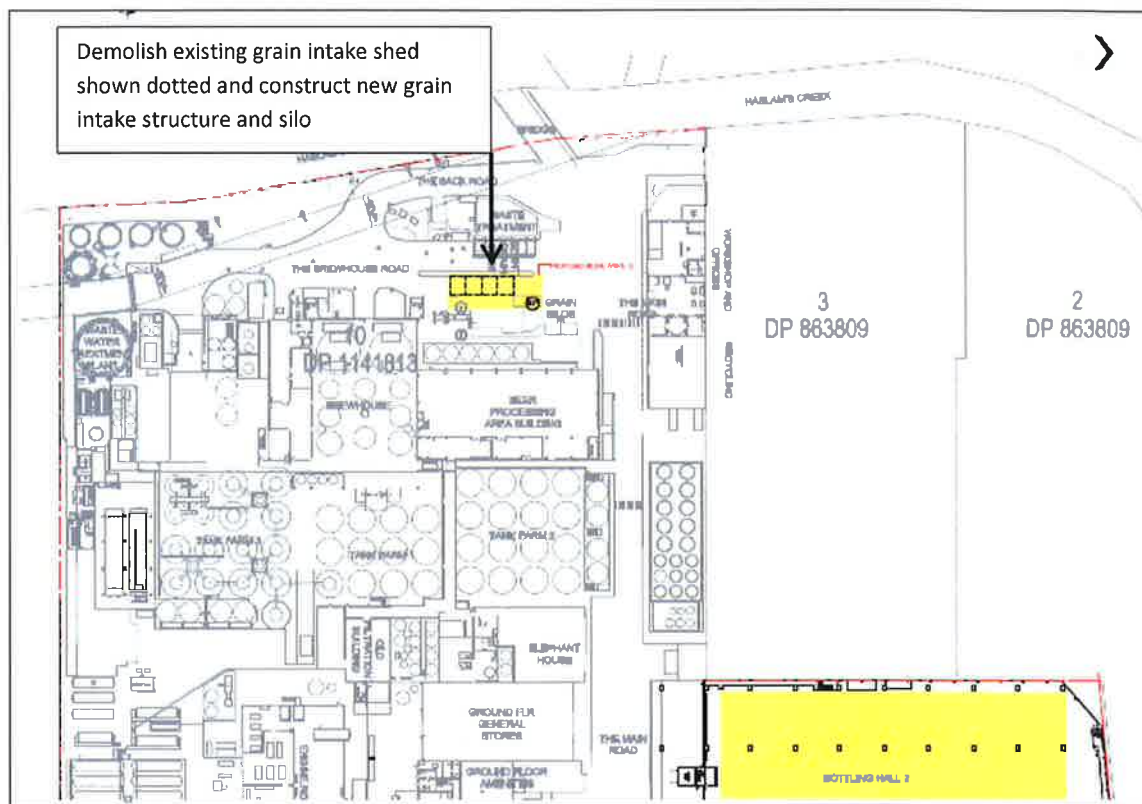


Figure 2 - Western part of the site showing location new grain intake structure

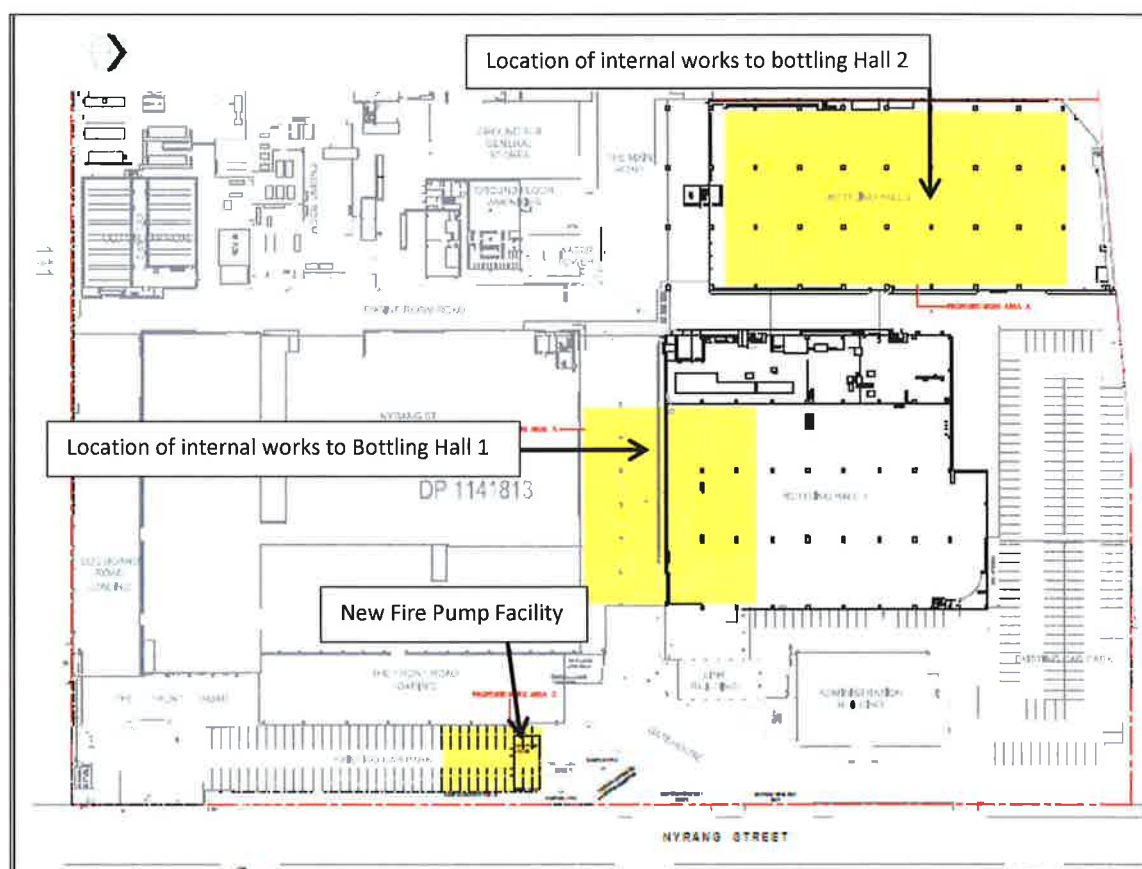


Figure 3 - Eastern part of the site showing location bottling hall 1 and 2 and new pump facility

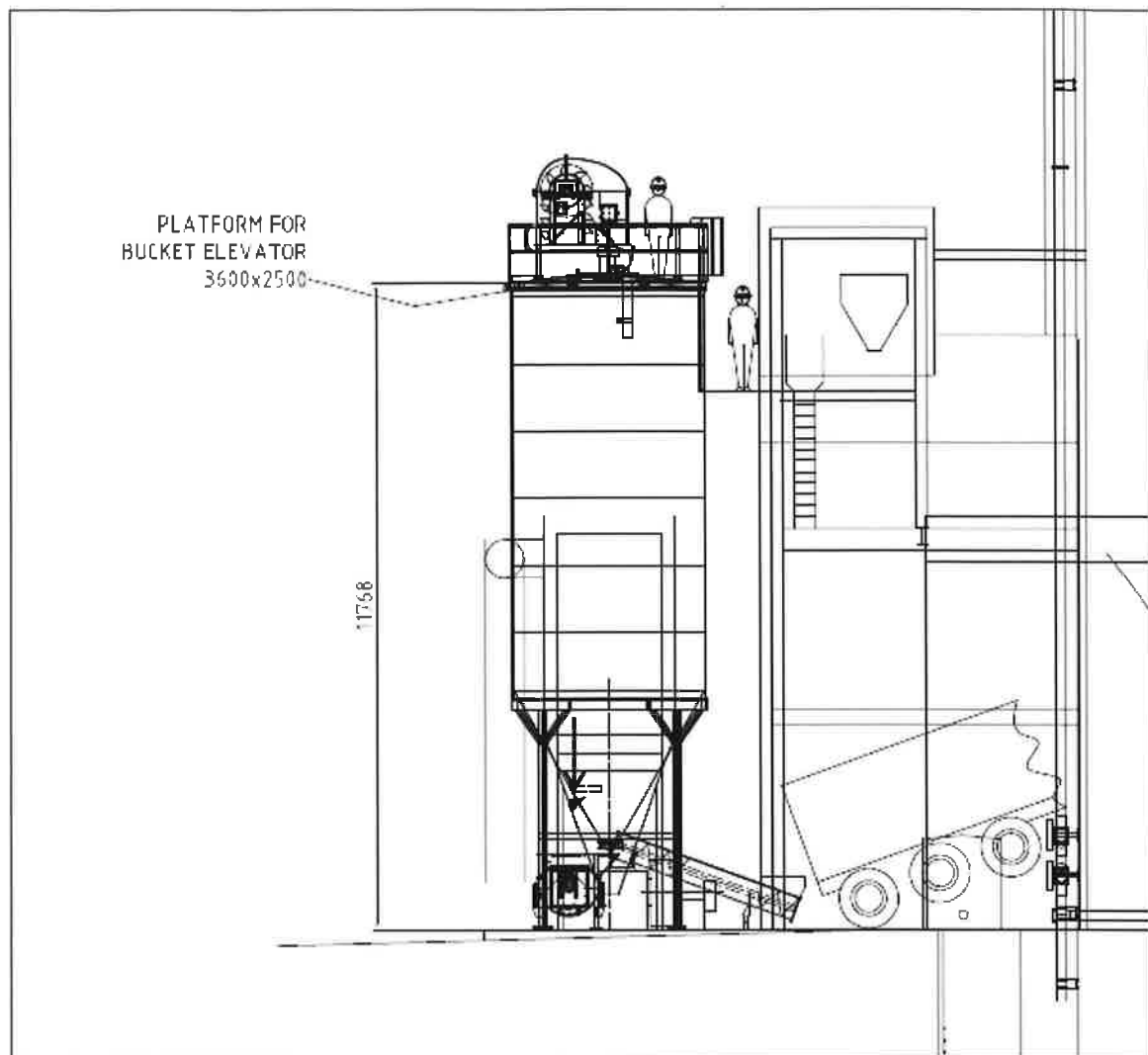


Figure 4 – New grain intake structure

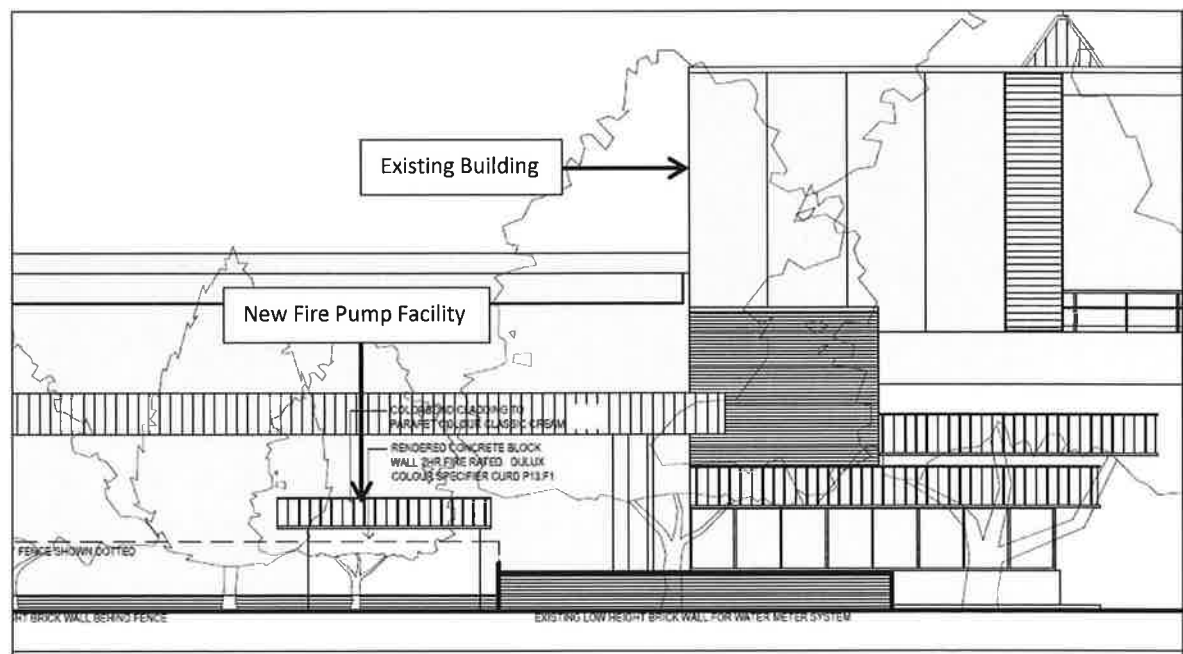


Figure 5 – New fire pump facility

6. STATUTORY CONSIDERATION

6.1 Section 75W

The application was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

6.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director Modification Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

7. CONSULTATION

The Department made the modification application publicly available on its website, referred the application to Auburn Council (Council) and the Environmental Protection Authority (EPA) for comment, and notified adjoining residential properties of the application.

Council raised no objection to the proposal.

EPA raised no objection to the proposal. However, recommended that consideration be given to:

- environmental construction impacts, such as water quality, sediment and erosion control, dust generation, noise emissions, and waste management;
- operational environmental impacts relating to water quality, air quality, noise emissions, waste and hazardous materials storage; and
- community consultation.

There were no **public** submissions received on the proposal.

8. ASSESSMENT

The key issues associated with the proposed modification are considered in **Table 1** below.

Table 1: Assessment of Key Issues

Issue	Consideration	Recommendation
Flood Risk	<ul style="list-style-type: none">• The site is located in the Haslams Creek Catchment and is subject to flooding given its proximity to Haslams Creek.• The proposed grain intake structure and silos would be within an area identified as a medium flood risk zone. The base of the structures would be below the 1 in 100 year flood level (6.9m AHD).• Other works are either internal changes or outside of the flood zone and therefore not affected by flooding.• Although Condition 27 in the Project Approval requires all buildings to be constructed above the 1 in 100 year flood level, the intent of the condition is that the <i>floor level</i> of buildings exceeds the 100 year flood level.• Having regard to the planning considerations for flood	A new condition requiring certification from a hydraulic engineer to confirm that the final design of the structures meet the relevant flood planning requirements is recommended.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<p>risk management in the Auburn Development Control Plan 2010, the key considerations relevant to flooding are:</p> <ul style="list-style-type: none"> ○ whether the area for goods storage is above the 100 year flood level (plus freeboard), ○ whether the structure incorporates flood compatible building components below the 100 year flood level, ○ whether the structure can withstand the forces of floodwater, and ○ whether the structure results in any adverse flooding impacts elsewhere. <ul style="list-style-type: none"> • The proponent advises that the detailed design of the grain intake structure and associated silo has not been finalised, but that the final design will comply with the relevant flood design considerations. • The Department notes that the proposed new structure replaces an existing, larger structure in the same location, and as such the modification is unlikely to result in any additional adverse flooding impacts on or off the site. • The Department recommends the inclusion of a new condition requiring certification from a hydraulic engineer to confirm that the final design of the structures meet the relevant flood planning requirements. Subject to the inclusion of this condition, the Department is satisfied that the proposal would satisfactorily address the impacts of flooding on the site. 	
<i>Construction Impacts</i>	<ul style="list-style-type: none"> • The EPA recommends assessment and implementation of measures to control and mitigate construction impacts, particularly with regard to water quality; air quality; noise impacts; waste and hazard management. • The Department notes that there are existing conditions of approval in place which control demolition, construction noise management, dust emissions, soil and water management; construction hazard management; and waste management. • The Department has reviewed the conditions and considers that they are adequate to ensure environmental impacts are appropriately managed during the construction phase. 	No additional conditions or amendments necessary.
<i>Water Quality</i>	<ul style="list-style-type: none"> • The EPA recommends assessment of the activities undertaken on the site, and a review of the controls to minimise the impact on water quality. • The Proponent advises that specific environmental conditions in relation to soil and water management are captured in Condition 33 of the Project Approval including a spill containment action plan, groundwater monitoring programme, and stormwater management scheme. Furthermore, the groundwater monitoring of water quality is on-going and captured in the EPL. • The Proponent also makes the point that the proposed upgrade works are relatively minor, and would not affect compliance with existing measures. The proposed modification does not result in any increase in the approved production capacity of 3.3 million hectolitres of beer per annum, and therefore it is unlikely to result in any additional environmental impacts. • The Department is satisfied that the existing 	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
	environmental conditions in the Project Approval adequately safeguard against any potential adverse impacts to water quality associated with the activities on the site.	
Air Quality	<ul style="list-style-type: none"> • In addition to monitoring dust emissions in relation to construction activities, the EPA recommends monitoring the operational activities for dust generation, the implementation of controls to prevent air quality impacts to nearby sensitive receivers, and review of the controls to take into account any changes to the site or conditions that would impact nearby sensitive receivers. • The Proponent advises that Condition 22 of the Project Approval contains specific environmental conditions in relation to air quality. • Given there would be no increase in production capacity or the number of truck movements to and from the site, the Department considers it unlikely the proposal would result in any additional dust impacts to the surrounding area. • The Department is satisfied that the existing environmental conditions in the Project Approval adequately manage air emissions from the site. 	No additional conditions or amendments necessary.
Noise Impacts	<ul style="list-style-type: none"> • The EPA considers that all practical measures should be put in place to manage any noise from the operational phase to nearby sensitive receivers. • The Proponent advises that Condition 15 of the Project Approval contains specific environmental conditions in relation to noise limits. • The proposed modification does not result in any increase in the production capacity or the number of truck movements to and from the site, and therefore its operation would not generate any additional adverse noise impacts to nearby sensitive receivers. • However, the operation of the new fire pump facility has the potential to generate additional noise impacts. • The Proponent advises the new fire pump facility would be constructed in rendered concrete blocks and acoustically treated (if required) to ensure it operates below the noise limits in the Project Approval. • The Department is satisfied that the existing environmental conditions in the Project Approval adequately manage noise impacts associated with the operation of the site, and the design of the new fire pump facility can incorporate acoustic treatments to ensure compliance with the noise limits established in the Project Approval. 	No additional conditions or amendments necessary.
Waste Management	<ul style="list-style-type: none"> • The EPA recommends any waste generated at the site must be classified within the <i>EPA Waste Classification Guidelines: Part 1 : Classifying Waste, November 2014</i>; • The Proponent advises that conditions 38 and 39 of the Project Approval contain specific environmental requirements in relation to waste management. • The Department notes the proposed modification would not generate any new waste streams on the site. • The Department is satisfied that the existing environmental conditions in the Project Approval adequately manage waste impacts associated with the operational activities and the proposal would not result in any adverse waste impacts to the surrounding area. 	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
Traffic Generation	<ul style="list-style-type: none"> The Proponent submitted a Traffic Impact Assessment (TIA) to assess the traffic effects of the proposal. The additional floor area associated with the proposed fire pump facility (102 sqm) would result in a theoretical increase in traffic generation of five vehicle trips per day, and one vehicle trip at peak periods in the morning and evening in accordance with the <i>RTA Guide for Traffic Generating Developments</i>. However, the Proponent advises the fire pump room would contain fire safety infrastructure and therefore no vehicle movements would be expected as a result. The TIA also confirms there would be no increase in the number of truck movements to and from the site as a result of the proposed modification. The Department notes that there would also be no increase in the number of employees or private vehicle movements as a result of the proposed modification. The Department is therefore satisfied there would be no additional impact on the surrounding road network as a result of the proposed modification. 	No additional conditions or amendments necessary.
Car Parking	<ul style="list-style-type: none"> There are currently 397 car spaces for staff and visitors on the site. To make way for the new fire pump facility a total of 22 car spaces would be removed, equating to a total of 375 car spaces on the site. The TIA examined the maximum parking demand generated based on the number of staff, including shift workers and contractors and used a conservative estimate of no car-pooling or mode sharing. The analysis demonstrates that peak parking demand equates to 276 personnel or 276 vehicles, which is 73.6 per cent of the total number of car spaces provided on the site following the proposed reduction. On this basis the TIA concludes the provision of 375 car spaces on the site is sufficient to meet the future demands of the site. The Department is satisfied that the demands based assessment indicates the proposed reduction in car parking on the site is acceptable, given that adequate parking would be on site to meet the likely maximum demand. 	No additional conditions or amendments necessary.
Visual Impact	<ul style="list-style-type: none"> The proposed upgrade works are largely internal or only visible from within the site, except for the proposed fire pump facility, which would be visible from Nerang Street. The proposed fire pump facility is a modest single storey building with a flat roof. When viewed from Nyrang Street it would sit against the backdrop of much larger industrial buildings on the site, and existing vegetation along the street boundary would assist in screening the new building element. The Department is therefore satisfied that the proposal would not result in any adverse visual impact on the surrounding area. 	No additional conditions or amendments necessary.
Consultation	<ul style="list-style-type: none"> The EPA recommends further consultation with the local community be undertaken in the event of any activities on the site likely to have an impact on the surrounding area. Condition 42 in the Project Approval requires an Environmental Management Strategy, which includes procedures to keep the local community informed about construction and operational activities. 	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<ul style="list-style-type: none"> The Department is satisfied that there are adequate environmental management practices in place to inform the community about any significant changes to the operation of the facility. 	

8. CONCLUSION

The Department's assessment concludes the proposed modification is appropriate on the basis that:

- there would be no increase in the production capacity, resulting in no new or significant impacts beyond those approved by the EPL currently held by the Proponent;
- it allows for the on-going enhancement of the site by improving operational efficiencies and safety of existing manufacturing processes;
- the proposed fire pump facility and other associated upgrades to the buildings would improve fire safety;
- the existing Project Approval includes specific environmental conditions and safeguards to ensure the site operates at an acceptable level of environmental performance;
- the construction activities are relatively minor and can be adequately managed and/or mitigated through adherence to the existing conditions;
- subject to final design of the grain intake structure and silos, no adverse flooding impacts would arise;
- it would continue to satisfy the peak parking demand generated by staff and visitors on the site; and
- the building changes are not readily visible beyond the site, resulting in no adverse visual impact on the surrounding area.

Consequently, the Department considers the proposed modification is in the public interest, and should be approved subject to the conditions recommended in the Notice of Modification at **Appendix A**.

9. RECOMMENDATION

It is recommended that the Acting Director Modification Assessments:

- consider the findings and recommendations of this report;
- approve MP 06_0303 MOD 6, under section 75W of the *Environmental Planning and Assessment Act 1979* by;
- sign the attached Notice of Modification (**Appendix A**).

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Modification Assessments**

Approved by:



Natasha Harras
**Acting Director
Modification Assessments**

APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=06_0303

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=06_0303

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=06_0303