



Scoping Report

For the
Secretary's Environmental Assessment Requirements (SEARs)

Northern Rivers Brewery
34-38 Honeyeater Circuit, South Murwillumbah

PREPARED FOR
Stone and Wood Bricks and Mortar Pty Ltd

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1. INTRODUCTION

Zone Planning Group has been engaged by Stone & Wood Bricks and Mortar Pty Ltd (“Stone & Wood”) to prepare this request for Secretary’s Environmental Assessment Requirements (SEARs) in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979 (EPA ACT 1979)*, for the construction of a new brewery with a tasting room at 34-38 Honeyeater Circuit, South Murwillumbah. The new brewery facility, to be developed on a staged basis, would have an ultimate production capacity of forty (40) million litres per annum.

The purpose of this report is to provide information to support the request to the secretary to identify the SEARS for the preparation of an Environmental Impact Statement (EIS) for the proposed new brewery with an ancillary tasting room, which will be referred to as the ‘Northern Rivers Brewery’.

This request for SEARs should be read in conjunction with the Architectural concept plans prepared by BECA (**Appendix A**).

The development meets the criteria of State Significant Development (SSD) in accordance with the *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*. Under Schedule 1, Clause 3 specifies that beverage processing developments including breweries, with a capital investment value (CIV) of more than \$30 million are declared to be state significant development. The CIV for the project is estimated at \$50 million.

The report provides a preliminary environmental assessment of the development, considers the applicable statutory planning controls and addresses the relevant State and local strategic planning documents.

It is proposed to lodge a development application under section 4.38 of the *Environmental Planning and Assessment Act 1979 EP&A Act*) to be assessed as SSD.

1.1. Background

Stone and Wood have operated a brewery at a nearby site in South Murwillumbah since 2014, and demand for the product has resulted in the need for a larger site and purpose-built facility to grow the business and meet the future product demand.

It is proposed that the new brewery will replace the existing facility at 35-37 Kite Crescent, South Murwillumbah.

2. SITE DESCRIPTION & LOCALITY

The site is located within the ‘Industry Central’ industrial estate, which is accessed off Lundberg Drive, approximately 3.0 km southeast of Murwillumbah (refer to **Figure 1**). The site is flat, although contains a battered bank along the southern and western sides to the adjoining agricultural land.

The particulars of the site are as follows:

Lot and DP	Lot 516 1132400
Address	34-38 Honeyeater Circuit, South Murwillumbah NSW
Land Area	3.2ha
LGA	Tweed Shire Council

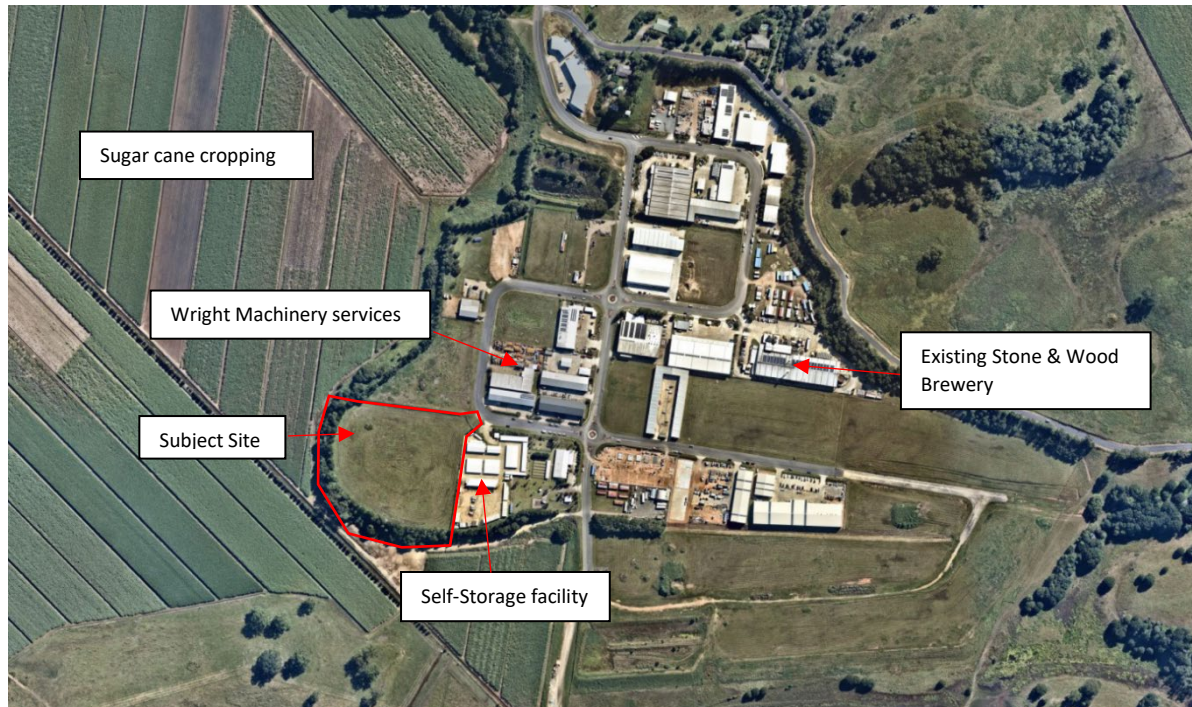


(Source: Near Maps)

Figure 1 **Site Location**

2.1. Surrounding Land Uses

The site is adjoined by industrial zoned land to the north (currently vacant) and east (self-storage facility), and agricultural land to the south and west, which predominantly consists of sugar cane cropping. **Figure 2** shows in aerial view the site and surrounding land uses.



(Source: Greg Alderson Associates)

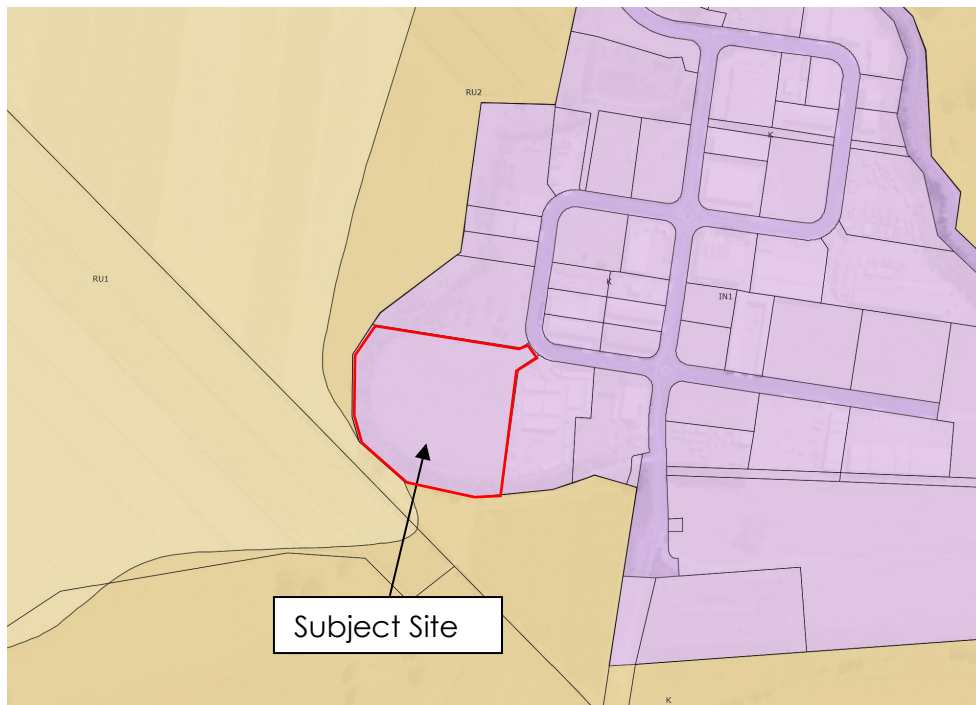
Figure 2 Aerial Site Location

2.2. Land Zoning

The project site is zoned IN1 General Industrial under the provisions of the Tweed Local Environmental Plan (TLEP) 2014. The site is located on the western edge of the Industrial estate with land to the north and east also zoned IN1 General Industrial. Land to the west and south is zoned a mixture of RU1 Primary Production and RU2 Rural Landscape. The zoning map for the site and surrounding sites is provided in **Figure 3**.

Development for the purpose of a Brewery is permissible with consent within the IN1 General Industrial Zone. Breweries are an undefined land use under TLEP 2014 and as such the activity is best classified under the definition of General Industry defined as follows:

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.



Source: Greg Alderson Associates

Figure 3 *Land Zoning – Tweed LEP 2014*

3. OVERVIEW OF PROPOSED DEVELOPMENT

The proposed development comprises a new purpose-built brewery and associated tasting room, including tours for the public and offices. **Appendix A** presents concept plans of the proposed brewery development. An indicative 3D image is shown below in **Figure 4**.



Source: BECA

Figure 4 *Indicative 3D image of proposed brewery (Source: BECA)*

Table 1 **Proposed Staging**

Stage 1	Construction and fit out of the main brewery building, including phase 1 and phase 2 production equipment, all vehicle circulation areas and carparking, site grading and landscaping works, trade waste facility, water treatment facility and gas storage works.
Capital Investment Value	Approximately \$50 million
Jobs	- Approximately 150 construction jobs across all stages - Approximately 80 operational jobs over 2 - 3 shifts
Construction of Building	- Total GFA: Approx. 8,900m² - Main building Height: 10m - Brewhouse Height: 13.95m - Fermenter tanks Height: up to 20m.
Fit out for Pacific Ale Brewing	- Estimated production: 26 million litres per annum. - Production cycle operates 7 days per week. <i>Weekdays and weekends: 6am to 10pm</i>
Access and Parking	- Access is from Honeyeater Circuit, separation of heavy and light vehicle traffic. - Approximately 100 car parks for staff and visitors/ patrons
Landscaping	- Landscaping to be included in car parking area and enhance existing vegetation along the western and southern boundary. - Approx. 10,000m²
Stage 2	Construction and fit-out of an addition of approximately 154m ² accommodating the 50hL brewhouse to be relocated from the Kite Crescent site.
Fit out for brewing all other beers	- Estimated production increase to 27.5 million litres, increasing to 40 million litres over 5 years. - Production cycle operates 7 days per week. <i>Proposed 24-hour operation 3 days per week, increasing to 6-7 days per week during peak production.</i>
Offices	Approx. GFA: 339m²
Stage 3	Construction and fit-out of an addition of approximately 431m ² accommodating a front of house visitor area including tasting facilities.
Construction and fit out of tasting room	Approx. GFA: 431m² Opening hours: Thurs - Sun 10am to 5pm

A summary of the existing production volumes and proposed volumes over the three stages is provided below:

Table 2 Production Phasing Details

Total Production Volume		
	Kite Crescent (existing brewery)	Honeyeater Circuit (proposed brewery)
Current	18 ML	0 ML
Phase 1	1.5 ML	26 ML
Phase 2	0 ML	27.5 ML
Phase 3	0 ML	Increasing incrementally to 40ML over 5 years

3.1. Brewery Infrastructure

3.1.1. Phase 1

Indicative infrastructure:

- *200hL brewhouse*
- *Bright beer tanks*
- *Fermentation vessels*
- *Packaging equipment*
- *Trade waste system*
- *Utilities – refrigeration, boiler etc*

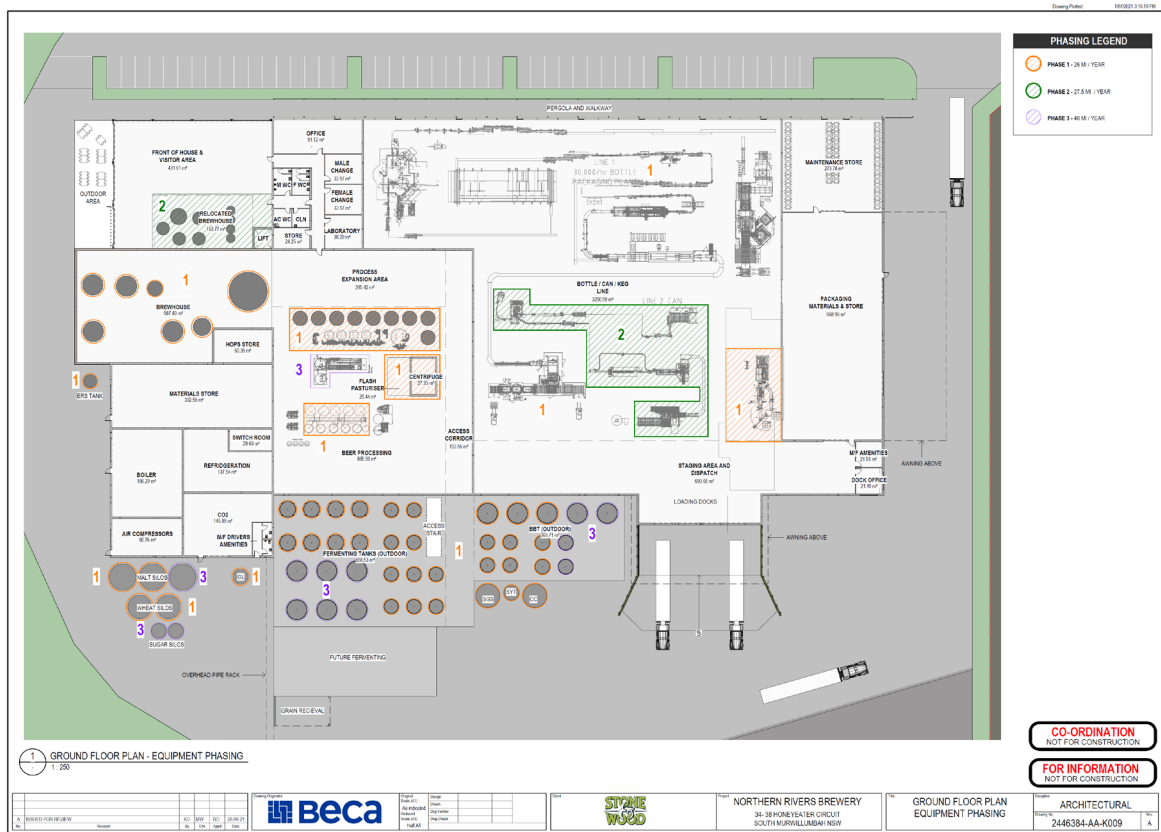
3.1.2. Phase 2

Indicative infrastructure:

- *50hL brewhouse*
- *Additional bright beer tanks*
- *Additional fermentation vessels*

3.1.3. Phase 3

- *Construction of tasting room for public, tours, and open day once per year*



(Source: BECA)

Figure 5 *Production Equipment Phasing Plan*

3.2. Site Services

3.2.1. Water

There is an existing water connection to the site. Water usage is estimated at on average 8000kL per month.

The proposal includes a treated water re-use system that will include a micro-filtration and reverse osmosis plant, which treats water to a standard suitable for re-use. Specific details of the re-use system will be provided in the Wastewater Concept Design Report.

It is proposed that treated water re-use will be maximised on-site in accordance with EPA and Tweed Shire Council requirements, for the following uses:

- *Utilities;*
- *Cleaning and washing down; and*
- *On-site landscaping*

Excess wastewater would be discharged to the Councils sewerage system (*refer Section 3.2.2*).

Discussions with the EPA and neighbouring property owners regarding reuse through irrigation of treated water by way of land application will take place as part of the consultation phase, however the proposal is not reliant on this outcome as outlined in section 3.2.2 below.

3.2.2. Sewer

Council's reticulated sewerage system has a connection in the south-eastern corner of the site. Stone and Wood is in discussions with Council about the sewer discharge quantity and quality requirements, as the existing Murwillumbah Sewage Treatment Plant (MSTP) has some capacity limitations pending a foreshadowed upgrading in or about 2026.

While the proponent will continue to investigate treated water reuse options, a large capacity trade waste treatment facility will be established to ensure that wastewater discharge from the site to the Council's sewerage network will be managed within the current maximum limit of 160 k/L per day specified by the Tweed Council, pending the foreshadowed upgrading of the MSTP. The proponents trade waste facility will have a designed treatment capacity of approximately 400 k/L per day.

In the event of any failure or system malfunction, excess treated water would be transferred off-site by a licensed contractor to an approved disposal facility in Queensland in accordance with current protocols in operation at the current Kite Crescent location.

3.2.3. Electricity

The site has an existing underground low voltage power connection. This may require upgrading and Stone and Wood will discuss further with the electricity authority.

3.2.4. Gas

Gas (LPG) will be required for some production processes. Stone and Wood estimate LPG usage will be in the order of 200kg/day.

A 50t Carbon dioxide (CO₂) tank is also proposed.

3.3. Manufacturing Process

The manufacturing process that will be involved in the brewing and packaging of beer on the site and the equipment that will be required has been provided by Stone and Wood and is detailed below.

3.3.1. Milling

Malt is fed into a malt mill where it is crushed (it is then called 'grist') and fed into a grist 'case'.

Milling takes approximately 1 hour per week. Waste produced is grain dust which is primarily collected in an extractor incorporated in the plant which prevents the discharge of malt dust into the atmosphere. Other fallen dust is swept, collected, stored in sealable bins and taken off-site to be used as cattle or pig food.

3.3.2. Mashing

The grist is then mixed with warm water in a mashing system ('mash tun') to produce a thick 'porridge like' slurry at a carefully controlled temperature. The 'mash' is allowed to stand for between 60 and 90 minutes to allow naturally occurring malt enzymes to convert the malt starches into various sugars and dextrins.

3.3.3. Lautering

Once the conversion is complete the clear malt extract (known as 'wort') is run through perforated plates in the 'lauter tun' floor. The remaining malt extract is then washed and the residue in the 'mash tun' (which is known as 'brewers grain'). The 'brewers grain' is discharged to sealed containers for re-use as cattle fodder.

Lautering takes approximately 6 hours per week. Waste produced is spent dust which is collected, stored in sealable bins and taken off-site to be used as cattle or pig food or composted.

3.3.4. Boiling

The 'wort' is collected in a 'wort kettle' and hops are added. The kettle is boiled for 60 to 90 minutes to sterilise it. After boiling, the spent hops and precipitated material are removed from the 'wort' by centrifugal 'whirl pooling'. This is achieved by running 'wort' from the kettle outlet through a pump and returning it back to the kettle at high velocity. This results in the deposit of solid particles in the centre of the tank. The clear hopped 'wort' is then run from the kettle and the residual solid material retained in the kettle.

Boiling will take approximately 10 hours per week. Waste produced is steam which will be vented out of the building.

3.3.5. Fermenting

The sterilised 'wort' is then cooled to fermentation temperature (approximately 150C) while the brewing water is simultaneously heated to approximately 700C for subsequent brews. As the cooled 'wort' is run into the fermenter, culture yeast is added to it. Fermenting takes approximately 5 days per brew. Waste produced is spent yeast.

Spent yeast is yeast that cannot be reused in another subsequent fermentation. This yeast settles to the cone of the fermenter and is easily removed by way of a valve and hose. The yeast is collected in a bucket and transferred to a small stainless-steel vessel complete with an electric element. The yeast is heated to approximately 600C to destroy cell structure.

The spent yeast is then transferred to the sealable spent grain bin for later transport to a local farm to be used as cattle or pig food or compost. The frequency of spent yeast collection is ongoing throughout the week as fermentation is a natural continuous process.

3.3.6. Lagering

Once fermentation is complete the beer is chilled to between 50C to 100C and the yeast settles to the bottom of the fermenter vessel. This is known as maturation and the method and length of time is dependent on the type of beer.

The yeast sediment is then 'harvested' from the fermenter and is stored in sterile stainless-steel containers in a cool room until required for addition to subsequent brews.

3.3.7. Filtering

Once maturation is complete, beer still contains some yeast and protein particles. This is removed by filtration.

Potential waste produced is the filter sheets. Though as the majority of beer produced will be unfiltered the number of filter sheets likely to be used is minimal. If filtration is later required, it will be a simple plate and frame filtration process.

3.3.8. Packaging

After filtration and clarification, the carbon dioxide gas content of the beer is adjusted, and the beer is then packaged.

The draught beers that are produced are decanted into refillable sterile 30 or 50 litre stainless steel sealed kegs. Alternatively, the beer is filled into recycled glass bottles under sterile conditions. The glass bottles will be packaged in cardboard cartons, packed onto timber pallets and wrapped with plastic.

Packaging will take approximately 20 hours per week. Waste produced is broken bottles which are collected for recycling.

3.3.9. Warehousing

Finished pallets of beer, either kegs or cartons, will be stored in refrigeration cool rooms in readiness for distribution.

3.3.10. Distribution

Loading will take place on the southern side of the building. The pallets and kegs will be loaded by forklift onto heavy vehicles for transport. Distribution will be direct into selected hotels, restaurants and other appropriate venues.

The brewing process including waste products are summarised in **Figure 6** below.



Source: Greg Alderson Associates

Figure 6 Overview of brewing process

3.4. Consultation

A preliminary meeting was held with staff of Tweed Shire Council (TSC) on 13 April 2021, and a pre-lodgement meeting was undertaken on the 12 May 2021 to discuss the proposed development, including environmental impacts that would need to be addressed as part of the EIS.

The minutes from the meeting are attached (**Appendix B**) and the main concern discussed with Council was the sewer discharge limits and capacity of the existing system, which are summarised below:

- *The existing wastewater treatment plant (WWTP) can cater for 160k/L per day sewer discharge combined from both the current brewery at Kite Crescent and proposed brewery at Honeyeater Circuit.*
- *Upgrades to the WWTP are currently planned by TSC and not due to be completed until 2026 at the earliest. The existing sewer infrastructure will also require upgrading, which was not planned until 2031 by TSC, however, may be concurrent to the Stone and Wood development.*
- *It is likely that the brewery will produce more than 160k/L of trade waste in Stage 1 of the development, therefore, it is critical that an alternative solution such as water re-use or off-site irrigation can be approved in consultation with the EPA.*
- *After the WWTP upgrade, discharge to the sewer can be increased proportionally up to 480k/L per day.*

The proponent has subsequently modified its proposal to enable it to commit to meeting the discharge limits specified by the Council, pending the upgrade of the MSTP.

Consultation with the relevant stakeholders and community will be undertaken following issue of the SEARs.

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) establishes the statutory framework for the assessment and approval of development in NSW.

Section 4.36 of the EP&A Act enables certain development to be declared SSD by means of a SEPP or order of the Minister for Planning. The project meets the criteria of SSD under Schedule 1 of the SRD SEPP.

This report has been prepared to accompany a request for Secretary's Environmental Assessment Requirements (SEARs) for the project under section 4.12 of the EP&A Act.

4.2. Environmental Planning and Assessment Regulation 2000

The Environmental Planning & Assessment Regulation 2000 (EP&A Regulation) contains key operational provisions for the NSW planning system. This includes procedures relating to development application and requirements for environmental assessments, environmental impact assessments and building regulations.

An EIS will be prepared for the project in accordance with Part 3 of Schedule 2 of the EP&A Regulation once the SEARs for the project have been issued.

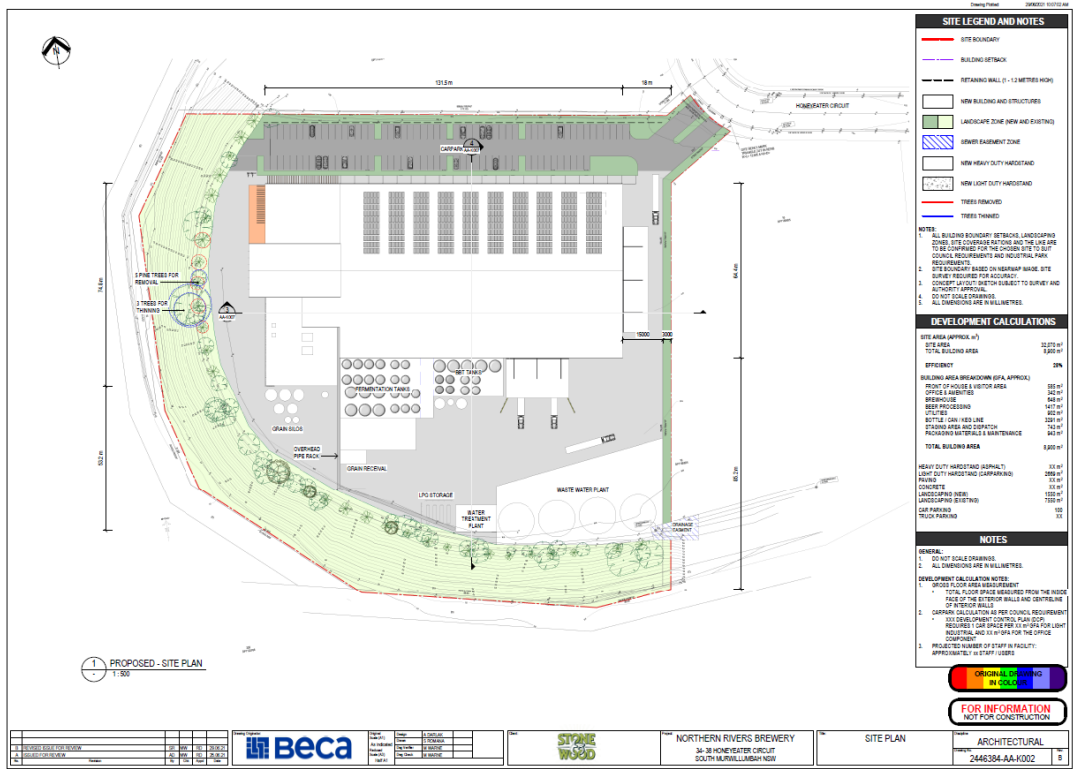
4.3. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) establishes a framework to avoid, minimise and offset impacts on biodiversity.

Section 7.9 of the BC Act requires an application for SSD to be accompanied by a biodiversity assessment report unless the Planning Agency Head and Environmental Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The site has previously been subject to extensive clearing and filling during the creation of the industrial estate however, through planting and natural regrowth, the batter slope on the southern and western perimeters is regenerating. Notwithstanding, due to the previous clearing and filling activities, the biodiversity values of the site are considered to be low.

In order to maintain existing views from the site to Mount Warning from the future front of house/visitor area as part of the guest experience, it has been determined that five hoop pine trees planted at the western perimeter of the site would require removal. A further three trees have been identified for trimming. See **Figure 7** below. The proponent further proposes to design and implement a vegetation rehabilitation and management plan relating to the battered slope extending along the southern and western perimeters of the site. Accordingly, the proponent will complete an Ecological Assessment Report addressing the provisions of the BC Act and where triggered, a Biological Diversity Assessment Report would be prepared for submission with the Environmental Impact Statement (EIS).



Source: BECA

Figure 7 Vegetation Impacts (See Appendix A)

4.4. State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development that is State Significant Development, State Significant Infrastructure, and regionally significant development.

Under Clause 8 (1) of the SRD SEPP, development that requires consent and is specified in Schedules 1 or 2 are declared to be State Significant.

Clause 3 of Schedule 1 specifies that beverage processing developments including breweries, with a capital investment value of more than \$30 million are declared to be SSD. The estimated CIV of the development is \$50 million.

4.5. State Environmental Planning Policy No.33 – Hazardous & Offensive Development

State Environmental Planning Policy No.33 – Hazardous and Offensive Development (SEPP 33) sets out to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

SEPP 33 will be considered as part of the EIS, including relevant DPIE guidelines relating to hazardous or offensive development.

4.6. State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) applies to the State and aims to promote the remediation of the contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

In accordance with SEPP 55, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and, if the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out.

It is understood that prior to the construction of the industrial subdivision, the site was agricultural grazing land. A preliminary contaminated land assessment would have been completed for the industrial subdivision.

4.7. State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) requires certain traffic generating developments to be referred to the Roads and Maritime Services (RMS) (now Transport for New South Wales (TfNSW)). In accordance with Schedule 3, Industrial development with a site area of more than 20,000m² with access to a road (generally) require referral to RMS.

The site is larger than 20,000m², therefore the EIS for the project will be referred to TfNSW during the public exhibition period.

4.8. North Coast Regional Plan 2036

The *North Coast Regional Plan 2036* (NCRP 2036) guides the NSW Government's land use planning and priorities for the region, through the provision of priorities for each Council.

The NCRP 2036 provides priorities and actions which focus on the following key objectives:

- *The most stunning environment in NSW*
- *A thriving, interconnected economy*
- *Vibrant and engaged communities*
- *Great housing choice and lifestyle options*

Of relevance to the project is Direction 8 – Promote the growth of tourism. Stone and Wood has a micro-brewery and tasting room café in Byron Bay, which has become one of the top tourist attractions in the area. It is anticipated that the tasting room and tours component of the proposed brewery will add to the culinary tourism trail within the Tweed Shire.

4.9. Tweed Local Strategic Planning Statement

The *Tweed Local Strategic Planning Statement* sets the 20-year vision for land-use in the Tweed and identifies the characteristics that contribute to the local identity, identifies shared community values to be maintained and enhanced and how future growth and change will be managed.

Planning Priority 6 – Promote a strong, sustainable and diverse economy with a robust economic policy framework to facilitate investment and local employment opportunities

- *Action 6.2 – Enable diversity in land-use planning to allow new industries to emerge and businesses to capitalise on changes in existing industries.*
- *Action 6.3 – Ensure flexibility in land-use planning to capitalise on a broad base of industry and business that supports a diverse range of local employment.*

Planning Priority 9 – Promote a tourism industry that is in harmony with, and leverages off, the Tweed’s natural environment, rich cultural and heritage assets, emerging niche rural industries, and enhances local communities, culture and environment.

- *Action 9.2 – Promote agri-tourism, nature-based experiences, local produce, heritage and cultural experiences, reinforcing them as tourism cornerstones for the Tweed through implementation of the Tweed Destination Management Plan 2018-2030*

4.10. Tweed Local Environmental Plan 2014

Tweed Local Environmental Plan 2014 (TLEP 2014) regulates development throughout the Tweed Local Government area. The EIS will include an assessment of the project against the TLEP 2014 provisions.

The height of the main building has been designed to achieve a general ridge height of 10 metres, with a maximum height of 14.85m covering a roof area of approximately 590m² over the main brewhouse. The outdoor bright beer and fermenter tanks would range between 14m and 20 meters in height. See **Figure 8**. A variation to the height standard applicable to the site (10m) will be addressed by way of clause 4.6 of the TLEP.

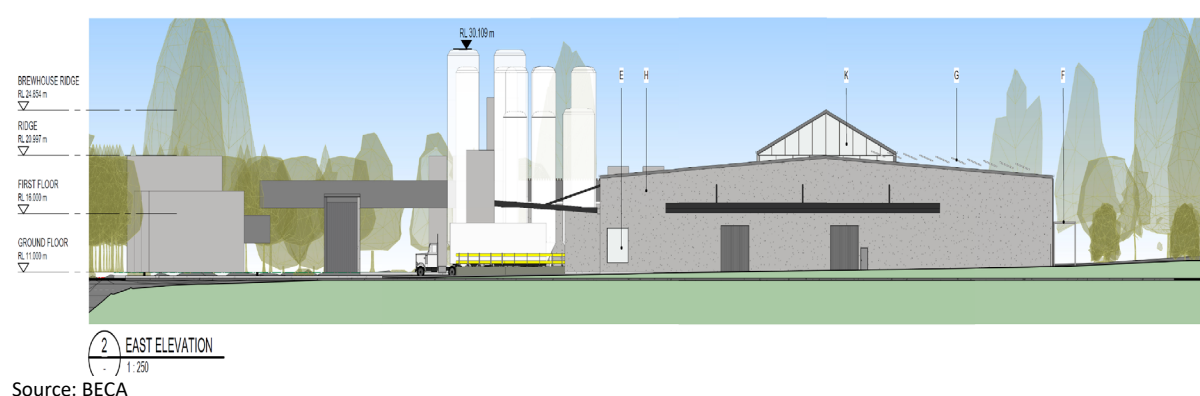


Figure 8 East Elevation – Building Heights (See Appendix A)

5. POTENTIAL ENVIRONMENTAL IMPACTS

5.1. Air Quality

Potential air quality impacts associated with the brewery include:

- Dust from the milling of grain; and
- Odorous air emissions from the kettle boil

Dust generated from the milling of grain will be contained within the mill and transferred via a line to the grist case and into the brewhouse to prevent dust from entering the atmosphere.

5.2. Odour

There is the potential for the generation of odours if appropriate measures are not taken in locating and selecting the appropriate plant and facilities. The brewery will utilise the latest brewing design technologies and equipment. The majority of odour generated from the brewery is in water vapour from the kettle boil which is slightly detectable during the boiling process. The 'malty' odour is associated with the 'wort' and 'hops' in the kettle.

5.3. Noise

There is the potential for noise from the manufacturing processes within the building and associated packaging, loading and unloading.

Expected noise generating activities at the site are:

- Service and heavy vehicle movements and unloading/loading service and heavy vehicles with a forklift.
- Fixed plant and equipment in the brewery; and
- Packaging processes.

The site is located within an established industrial subdivision where noise generated activities are expected. The nearest sensitive receptors are existing dwellings located approximately 520m north of the site. See **Figure 9**.



Source: Six Maps

Figure 9 **Sensitive Receivers**

5.4. Land Use and Visual Amenity

The site is located within an established industrial subdivision with a clearly defined industrial character to the area, distinct from the initial rural land use prior to the industrial subdivision.

The proposed building will not be out of character with the surrounding industrial buildings, however, will contain several tall bright beer and fermenter tanks (refer **Appendix A**) ranging from approximately 14m up to 20m in height. Photo 1 below shows the existing tanks at the Kite Crescent brewery.

Preliminary analysis indicates that the proposal would be acceptable given the industrial and rural character of the area, however this will be assessed as part of the visual impact assessment process.



Photo 1 Existing 400HL Bright Beer and 800HL Fermenter tanks (16m height) at Kite Crescent brewery

5.5. Traffic, Manoeuvring and Parking

The site is located within an industrial subdivision that has road construction and site access from Honeyeater Circuit.

The proposed parking and manoeuvring layout allows for the separation of heavy and light vehicles, as all trucks will be directed to the east and south of the building for loading and unloading. All traffic from staff and the general public will be directed to the north of the building for parking.

The EIS will provide a detailed assessment of estimated traffic generation and parking calculations. Preliminary traffic estimates are provided for each stage in the **Tables 3, 4 and 5** below:

Category	Vehicle Type	Visits per day	visits per week	AV trips (day)	HRV trips (day)	SRV trips (day)	Light vehicle trips (day)	Total vehicle trips (day)
Deliveries to site	AV		9.3	3.7				3.7
	HRV		9.3		3.7			3.7
	SRV		3.7			1.5		1.5
Pickups from site	AV		13.0	5.2				5.2
	HRV		5.6		2.2			2.2
	SRV		3.7			1.5		1.5
Service vehicles	AV		1.9	0.7				0.7
	HRV		1.9		0.7			0.7
	SRV		5.6			2.2		2.2
Employees	Light vehicle	70	350				140	140
Visitors	Light vehicle	2	10				4	4
Estimated total daily trips per group				9.6	6.7	5.2	144.0	165.5

Table 3 *Preliminary Traffic Estimate – Stage 1*

Category	Vehicle Type	Visits per day	visits per week	AV trips (day)	HRV trips (day)	SRV trips (day)	Light vehicle trips (day)	Total vehicle trips (day)
Deliveries to site	AV		9.6	3.8				3.8
	HRV		9.6		3.8			3.8
	SRV		3.8			1.5		1.5
Pickups from site	AV		13.4	5.4				5.4
	HRV		5.8		2.3			2.3
	SRV		3.8			1.5		1.5
Service vehicles	AV		1.9	0.8				0.8
	HRV		1.9		0.8			0.8
	SRV		5.8			2.3		2.3
Employees	Light vehicle	80	400				160	160
Visitors	Light vehicle	2	10				4	4
Estimated total daily trips per group				10.0	6.9	5.4	164.0	186.3

Table 4 *Preliminary Traffic Estimate – Stage 2*

Category	Vehicle Type	Visits per day	visits per week	AV trips (day)	HRV trips (day)	SRV trips (day)	Light vehicle trips (day)	Total vehicle trips (day)
Deliveries to site	AV		13.7	5.5				5.5
	HRV		13.7		5.5			5.5
	SRV		5.5			2.2		2.2
Pickups from site	AV		19.2	7.7				7.7
	HRV		8.2		3.3			3.3
	SRV		5.5			2.2		2.2
Service vehicles	AV		2.7	1.1				1.1
	HRV		2.7		1.1			1.1
	SRV		8.2			3.3		3.3
Employees	Light vehicle	80	400				160	160
Visitors	Light vehicle	33	165				66	66
Estimated total daily trips per group				14.3	9.9	7.7	226.0	257.8

Table 5 *Preliminary Traffic Estimate – Stage 3*

5.6. Flooding

That part of the site proposed to be developed is above the flood planning level and will meet the Tweed Council's usual requirements for industrial development. *See Figure 10.* Advice provided by Tweed Shire Council indicates that the site is partially subject to minor inundation ($\leq 250\text{mm}$) during the Probable Maximum Flood (PMF) event. The PMF level is approximately 10.9m AHD. Minor site regrading is proposed (refer **Appendix A**) to establish site levels at or above this level and a floor level of RL 11m AHD will be achieved.



Source: Greg Alderson Associates

Figure 10 *Flood Hazard Mapping*

5.7. Bushfire

The site is not mapped as bushfire prone land.

5.8. Socio-Economic

The development will generate employment opportunities through both construction and ongoing operations. The development will have socio-economic benefits to the region by:

- *Providing local jobs, both throughout the construction and on-going operations, which in turn improves demand for local services such as retail and schools;*
- *Sourcing inputs such as product and packaging locally wherever possible;*
- *Supporting local businesses through the use of ancillary contractors such as freight and courier companies, electricians, trades etc*

The tasting room will serve as a meeting and gathering place for people to come to connect with the Stone & Wood brand and each other. The brewery will host tours for people to learn about the brewing process and also sample some of the products.

5.9. Biodiversity

As part of the industrial subdivision, extensive earthworks and clearing were undertaken. The western and southern edges of the site contain existing vegetation, which is proposed for the most part to remain.

As mentioned in Section 4.3 in order to maintain existing views from the site to Mount Warning from the future front of house/visitor area as part of the guest experience, it has been determined that five hoop pine trees planted at the western perimeter of the site would require removal. A further three trees have been identified for trimming. The proponent further proposes to design and implement a vegetation rehabilitation and management plan relating to the battered slope extending along the southern and western perimeters of the site.

5.10. Waste Management

Solid waste generated includes glass, cardboard, paper, grain sacks and plastic wrap. Waste materials are sorted into various recycling and general waste streams. Arrangements will be put in place for suitable sized skip bins to be collected and disposed by a waste management contractor.

Spent grain is stored in sealed bins. 'Trub' (spent hops) is removed from the whirlpool and added to the spent grain bins. The spent grain bins are taken off-site to local farms to be used as cattle or pig food or compost. Stone and Wood already has contracts in place for the reuse of this waste.

5.11. Aboriginal Cultural Heritage

The site is not mapped under the Tweed Aboriginal Cultural Heritage Management Plan 2018 as containing actual or potential cultural heritage. See **Figure 11**.



Source: Greg Alderson Associates

Figure 11 Tweed Aboriginal Cultural Heritage Management Plan

5.12. Heritage

The site is not located in the vicinity of any heritage items or conservation areas.

6. CONCLUSION

This report accompanies a request to the Department of Planning, Industry and Environment (DPIE) for SEARs for the construction of a new brewery at Lot 516 DP 1132400, 34-38 Honeyeater Circuit, South Murwillumbah. The development is proposed to be constructed in 3 stages, with the main building and partial fit-out as Stage 1, the addition of a 50 hL brewhouse building (relocated from the existing Kite Crescent brewery site) as Stage 2, and a further addition and fit-out of a tasting room and visitor area comprising Stage 3.

The report has identified the relevant legislative requirements, plans and documents that relate to the development.

An EIS will be prepared in accordance with the SEARs and legislative requirements defined under the EP&A Regulation. Given the nature of the project, its location and land use history of the site, the development appears appropriate to the site and its context. The EIS will address potential environmental effects and will outline recommendations to address any environmental impacts.

APPENDIX A CONCEPT PLANS

STONE & WOOD NORTHERN RIVERS BREWERY

Honeyeater Circuit, South Murwillumbah NSW 2484



www.beca.com

A		ISSUED FOR REVIEW	AD	MW	RD	25.06.21
Rev		Revised	By	Date	Appr	Time



Project	Design	A. DARLAK
Client	Design	D. ROSSMAN
Project	Design	ST. YVONNE
Project	Design	ST. YVONNE
Project	Design	ST. YVONNE



NORTHERN RIVERS BREWERY
34-36 HONEYEATER CIRCUIT
SOUTH MURWILLUMBAH NSW

COVER SHEET

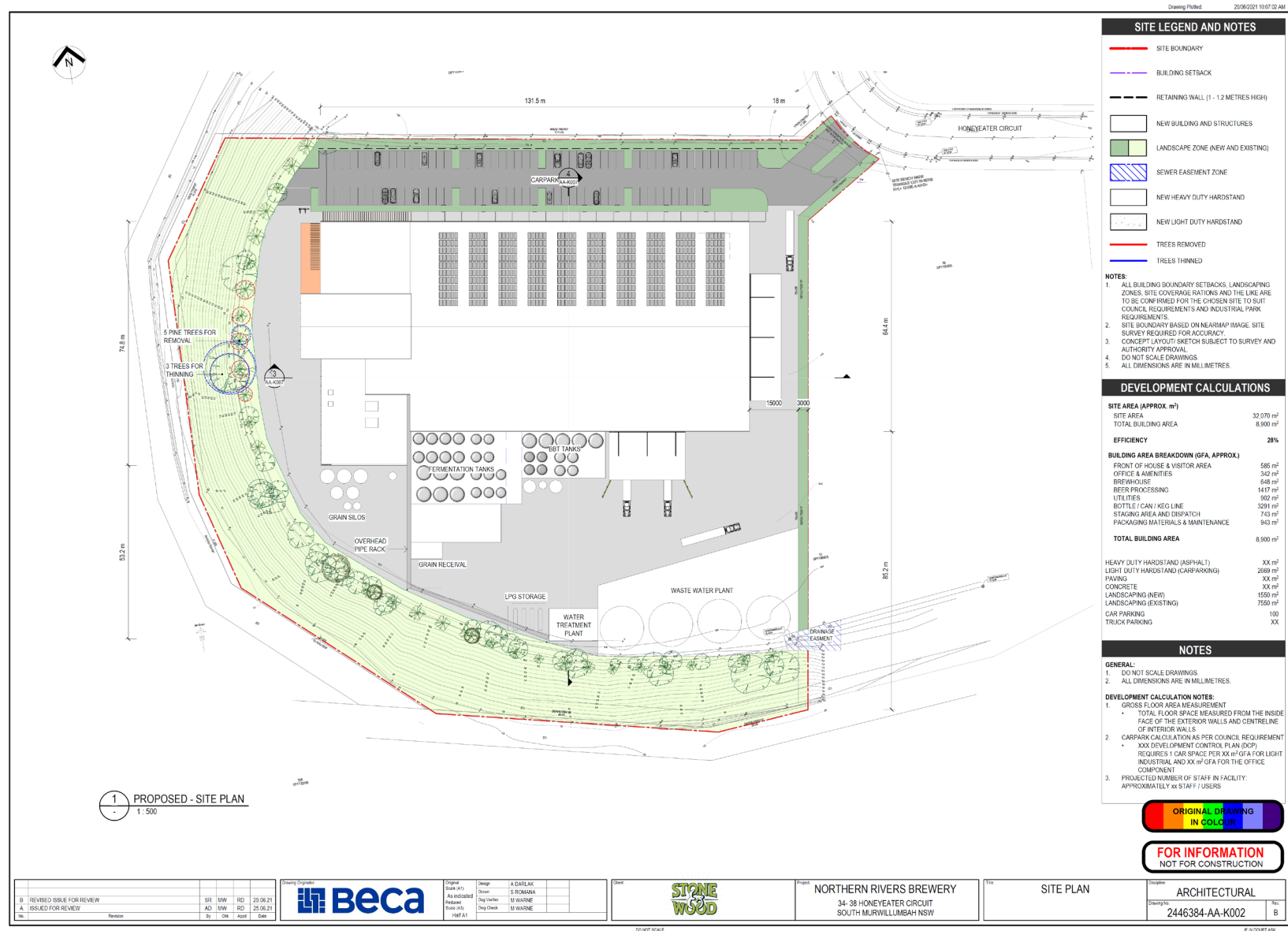


Discipline	ARCHITECTURAL
Drawing No.	2446384-AA-K001
Rev	A

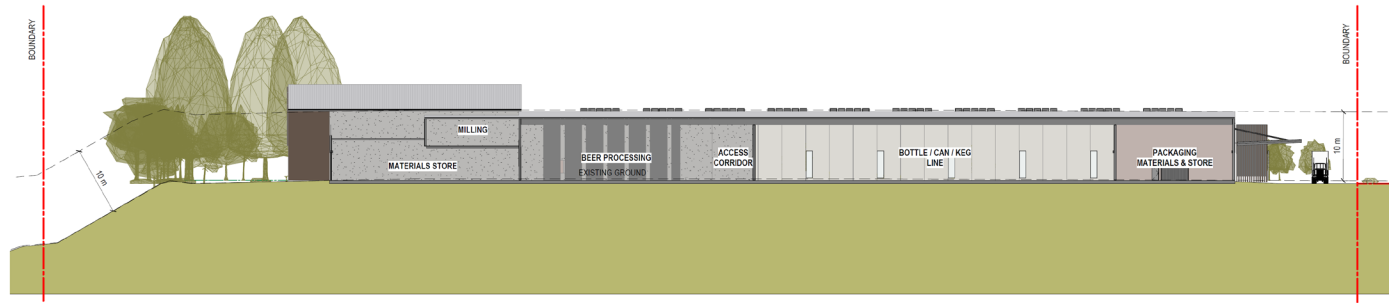
Document No. BMA 002/2446384 - Northern Rivers Brewery/2446384-AA-2021-04

DO NOT SCALE

IF IN DOUBT ASK







1 Section A
1:300



2 Section B
1:300

ORIGINAL DRAWING
IN COLOUR

FOR INFORMATION
NOT FOR CONSTRUCTION

A		ISSUED FOR REVIEW	AD	MW	RD	25.06.21
No.	Revision	By	CHK	Appd	Date	



Original Scale: A11	Design A DARLAK
1:300	Drawn S ROMANA
Reduced From: A33	Eng. Issued M WARNE
Half A1	Eng. Check W WARNE



Project	NORTHERN RIVERS BREWERY
	34-38 HONEYEATER CIRCUIT SOUTH MURWILLUMBAH NSW

File	SECTIONS
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Discipline	ARCHITECTURAL
Drawing No.	2446384-AA-K007
Rev	A

Document No. 2446384-AA-K007-001 Northern Rivers Brewery 04/08/2021

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NORTH EAST CORNER



SOUTH EAST CORNER



SOUTH WEST CORNER



NORTH WEST CORNER

PERSPECTIVE VIEWS



No.	Revision	By	CHK	App'd	Date
A	ISSUED FOR REVIEW	AD	MMV	RD	25.06.21



Original Scale (A1)	Design	J.A. DARLAC
Revised Scale (A1)	Drawn	S. ROMANA
	Check/Verify	M. WARNE
	Check/Check	M. WARNE
	Print	A1



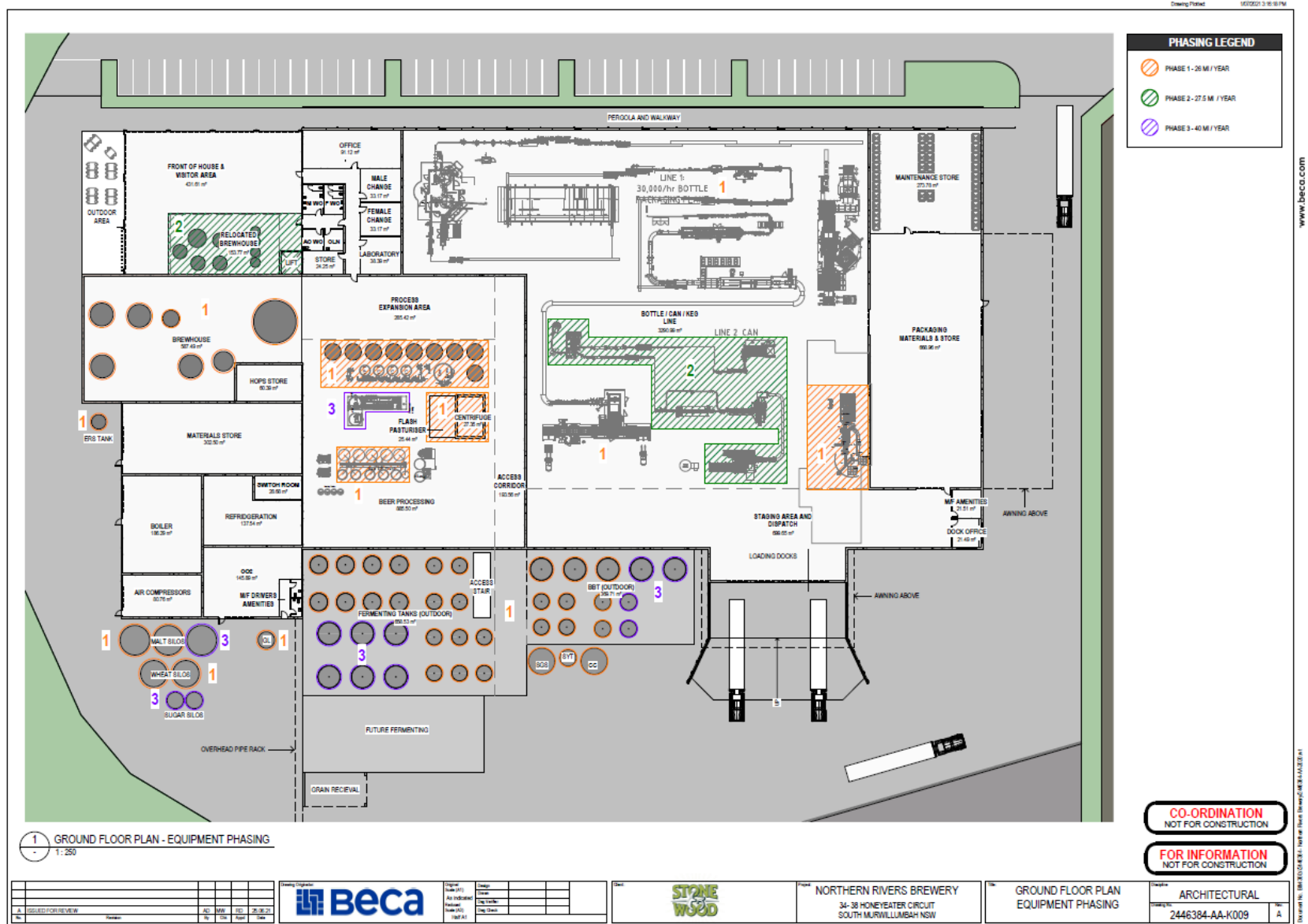
Project	NORTHERN RIVERS BREWERY
	34- 38 HONEYEATER CIRCUIT
	SOUTH MURWILLUMBAH NSW

Title	PERSPECTIVE VIEWS
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Discipline	ARCHITECTURAL
Drawing No.	2446384-AA-K008
Rev.	A

Document No. BMR-302-2446384 - Northern Rivers Brewery/2446384-AA-2021.rvt

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APPENDIX B MINUTES OF PRE-LODGEMENT MEETING

**MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD
WEDNESDAY 12 MAY 2021**



1. APPOINTMENT:

Addressed By: Nick Cornish, Ross Jurisich and Brad Rogers (Stone & Wood), Wendy Attrill, Jasmin van der Heijde (Greg Alderson and Associates)

Postal Address: PO Box 2165
BYRON BAY NSW 2481

Present: Messrs Colleen Forbes, Team Leader Development Assessment; Robert Noakes, Senior Building Surveyor, Robert Wise, Acting Engineer - Developments; Zoe Schultz, Acting Town Planner

Property Description: Lot 516 DP 1132400; No. 34-38 Honeyeater Circuit South Murwillumbah

Land No: 75321

Receipt No: 802727

Proposal: relocation of Stone and Wood brewery in two stages

Stage One:

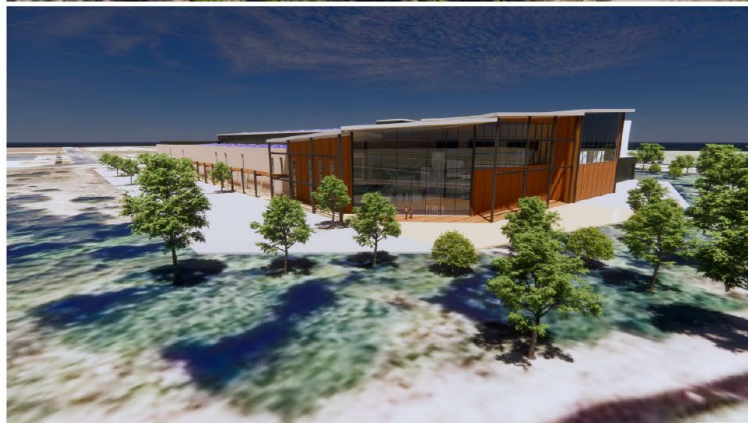
Construction of entire building, internal fit-out for main brewery products (equipment will be moved over from the current brewery at Kite Crescent, South Murwillumbah).

Stage Two:

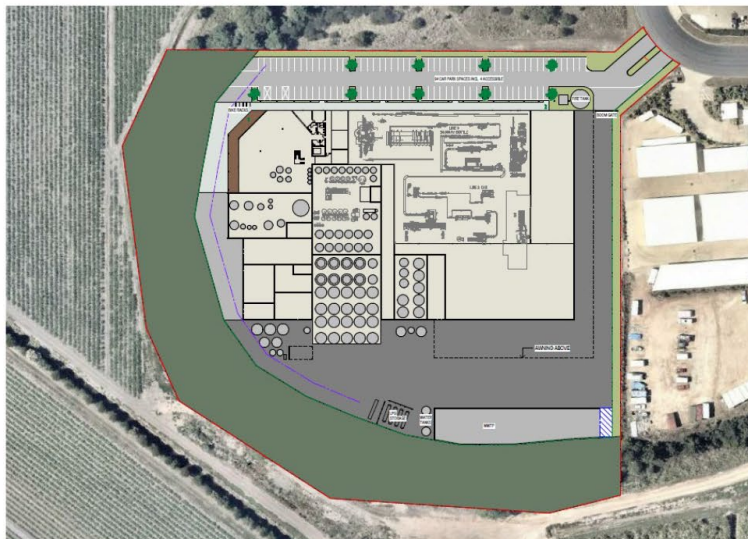
Fit out of the remainder of brewing equipment, tasting room, tours and offices. Initial estimated production of 27 million litres per annum to increase over 5 years to 40 million litres per annum.

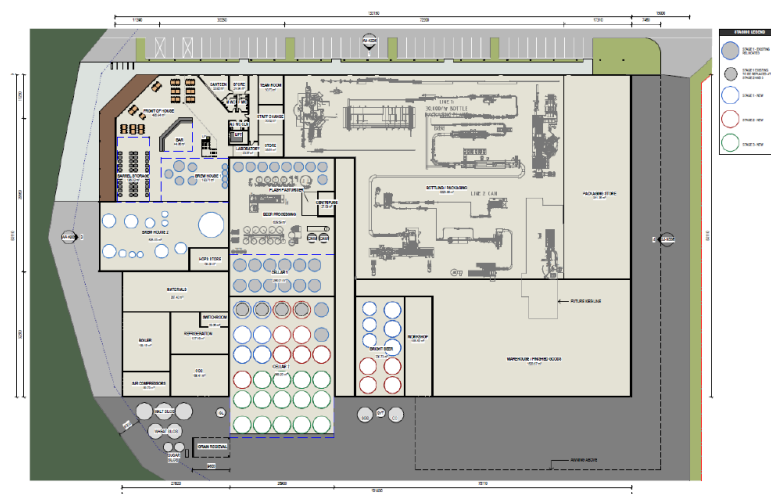
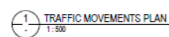


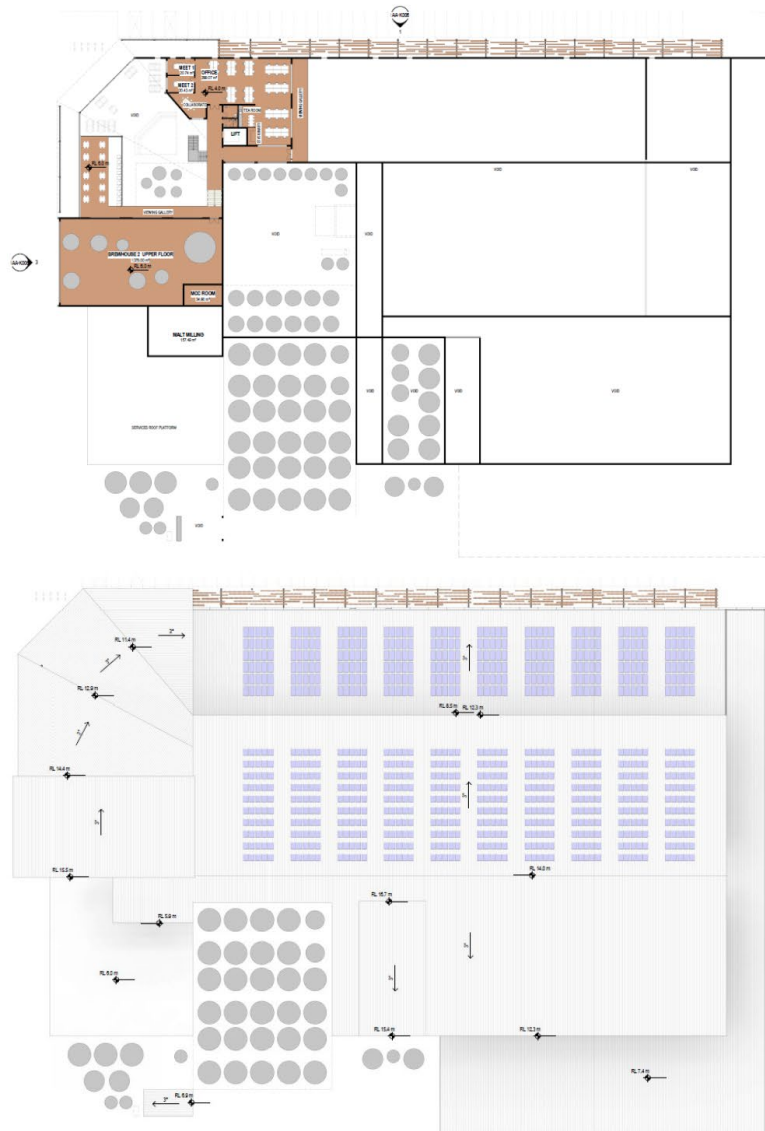
MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD
WEDNESDAY 12 MAY 2021



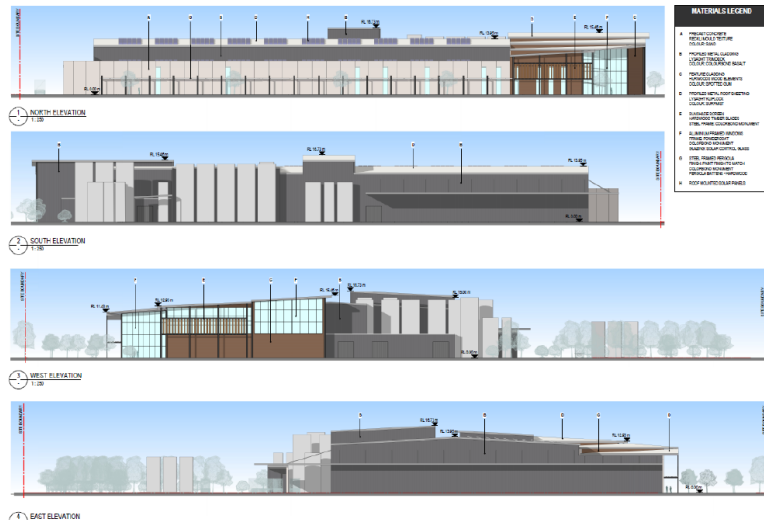
MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD
WEDNESDAY 12 MAY 2021







MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD
WEDNESDAY 12 MAY 2021



Comments:

1. Planning Comments
Issues:

Tweed Local Environmental Plan 2014 Definition

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

Note— Light industries are a type of **industry**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note—

General industries are a type of **industry**—see the definition of that term in this Dictionary.

industry means any of the following—

- (a) general industry,
 - (b) heavy industry,
 - (c) light industry,
- but does not include—
- (d) rural industry, or
 - (e) extractive industry, or
 - (f) mining.

****Light industries and general industries are permitted with consent in the IN1 General Industrial zone.**

Tweed LEP 2014 Permissibility

- The land is zoned IN1 General Industrial and *light industries* and *general industries* are permissible land uses subject to Development Consent.
- The proposed front of house/tasting room is considered ancillary to the proposed brewery. If the front of house/tasting room becomes a separate use of the site, it would be considered a *food and drink premises*, which is prohibited in the IN1 General Industrial zone.
- Please note, the proposed development is not considered an *artisan food and drink industry*.
- The Tweed LEP 2014 is available at <http://www.legislation.nsw.gov.au>

Advertising/Notification

- The proponents were advised that the application is Designated Development and would be **advertised** for a period of **twenty eight (28) days**, noting that the DPIE would be responsible for the advertising process.

Referrals (Integrated and Concurrence)

- EPA.
- Transport for NSW.

State Significant Development (SSD)

- The proposed development is considered *State Significant Development* under the SEPP (State and Regional Development) 2011, therefore the Minister for Planning, or his delegate, is the consent authority. Further detail is provided under the SEPP's section of this report.

Designated Development

- It is considered that the proposed development in its entirety is considered as *Designated Development*, pursuant to Clause 6(a) of Schedule 3 of the *EP&A Regulations*, due to the intended production capacity.

Schedule 3 Designated development

6 Breweries and distilleries

Breweries or distilleries producing alcohol or alcoholic products—

- (a) that have an intended production capacity of more than 30 tonnes per day or 10,000 tonnes per year, or***
- (b) that are located within 500 metres of a residential zone and are likely, in the opinion of the consent authority, to significantly affect the amenity of the neighbourhood by reason of odour, traffic or waste, or***
- (c) that release effluent or sludge—***
 - (i) in or within 100 metres of a natural waterbody or wetland, or***
 - (ii) in an area of high watertable, highly permeable soils or acid sulphate, sodic or saline soils.***

- If a proposed development is categorised as designated development, the application:
 - Must be accompanied by an Environmental Impact Statement (EIS)
 - Will require public notification for at least 28 days
 - Can be the subject of a merits appeal to the Land and Environment Court by objectors.
 - An EIS must include the information as outlined in Schedule 2 of the *Environmental Planning and Assessment Act 2000*:
<https://www.legislation.nsw.gov.au/view/html/inforce/current/s1-2000-0557#sch.2>
 - An EIS for designated development must be prepared in accordance with the Planning Secretary's requirements. To request the Planning Secretary's Environmental Assessment Requirements (SEARs), an applicant must complete the [Form A](https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/form-a-request-for-planning-secretarys-requirements-2018-07-27.pdf):
<https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/form-a-request-for-planning-secretarys-requirements-2018-07-27.pdf>
- State Environmental Planning Policies

- SEPP No. 33 – Hazardous and Offensive Development
 - The preparation of preliminary hazard analysis is required.
- SEPP No. 55 - Remediation of Land
 - The preparation of a preliminary contamination assessment is required.
- SEPP No. 64 - Advertising and Signage
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Infrastructure) 2007
 - In accordance with Clause 45, any Development Application which involves the penetration of ground within 2m of an electricity distribution pole or within 10m of any part of an electricity tower, or within or immediately adjacent to an easement for electricity purposes or within 5m of an exposed overhead electricity powerline or development which requires the placement of powerlines underground; requires referral to Essential Energy for comment.

Clause 45 Referral to Essential Energy may be required if development comprises or involves any of the following:

- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) *development carried out—*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*
- (c) *installation of a swimming pool any part of which is—*

- (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
- (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

104 Traffic-generating development

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves—
 - (a) new premises of the relevant size or capacity, or
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

Column 1	Column 2	Column 3
Purpose of development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Industry	20,000m ² in site area or (if the site area is less than the gross floor area) gross floor area	5,000m ² in site area or (if the site area is less than the gross floor area) gross floor area

- SEPP (State and Regional Development) 2011
 - It is considered that the proposed development in its entirety is considered a *State Significant Development* (SSD), pursuant to Part 3 of Schedule 1 of the *State Environmental Planning Policy (SEPP) (State and Regional Development) 2011*, due to the intended Capital Investment Value (CPV), which is greater than \$30 million.
 - The Minister for Planning is the consent authority for SSD. The Minister has delegated his power to make a number of decisions to senior officers of the Department.
- SEPP (Primary Production and Rural Development) 2019

The site is partially mapped as regionally significant farmland under the Farmland Protection Project.

MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD
WEDNESDAY 12 MAY 2021



Farmland Protection Project
 Regionally Significant Farmland
 State Significant Farmland

- SEPP (Vegetation in Non-Rural Areas) 2017

Relevant Clauses of the LEP (include but are not limited to)

LEP 2014

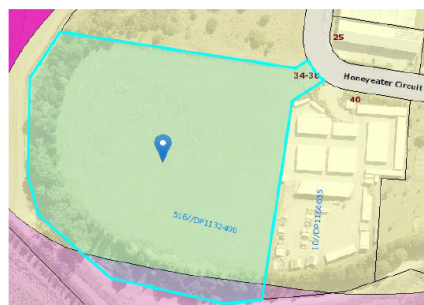
- Clause 1.2 - Aims of Plan
- Clause 2.3 - Zone objectives



Land Zoning (LZN 2014)
 Zone
 IN1 General Industrial

- Clause 4.3 – Heights of buildings (10m)
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 7.1 – Acid sulfate soils

Class 3 and 4



ASS Planning (BNE)
 Class 1
 Class 2
 Class 3
 Class 4
 Class 5

LEP 2014

- Clause 7.2 - Earthworks
- Clause 7.3 - Flood planning

(3) Development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied that the development—

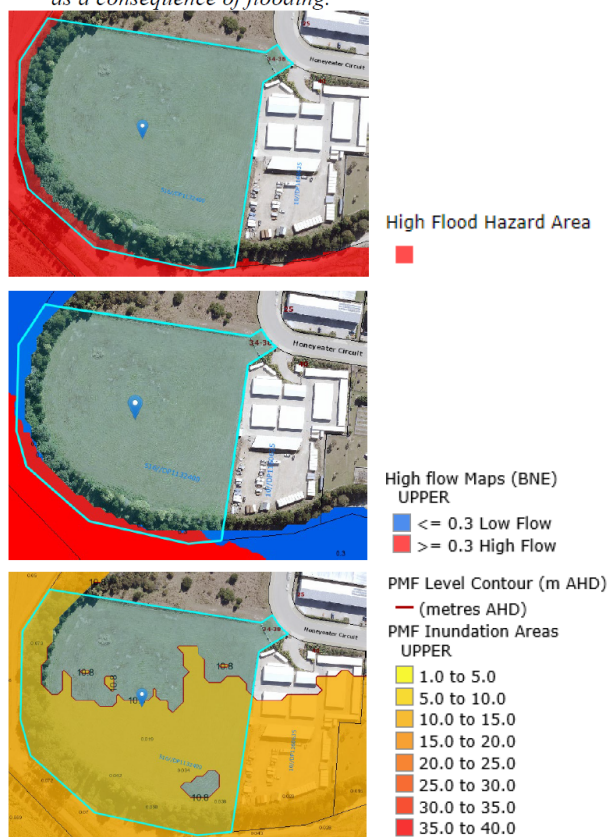
(a) is compatible with the flood hazard of the land, and

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.



MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD
WEDNESDAY 12 MAY 2021



LEP 2014

Flooding for S149 - PMF

Flooding for S149 - Types

- Clarrie Hall Dam
- Could Be Affected
- Is Affected by Q100
- Kyogle
- Lizzio Subdivision

- Clause 7.4 - Floodplain risk management
- Clause 7.6 - Stormwater management
- Clause 7.10 - Essential services

Consolidated DCP

A2 - Site Access and Parking Code

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking Rate (class)	Delivery/Service Vehicle parking	Resident Parking	Staff parking	Customer car parking
D4	General industries	If located in commerce and trade zone increase to 1/50m ² GFA		1/5 staff (2)	1 HRV		1/120m ² GFA	
Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking Rate (class)	Delivery/Service Vehicle parking	Resident Parking	Staff parking	Customer car parking
D8	Light industries	If located in commerce and trade zone increase to 1/50m ² GFA		1/5 staff (2)	1 HRV		1/120m ² GFA	

A total of 94 car parking spaces, including 4 accessible, are proposed.

Based on an assumption of a Gross Floor Area (GFA) of 10,310m², a total of 87 staff parking spaces, including 1 HRV space, are required.

- A3 - Development of Flood Liable Land
 - Refer to Roads and Stormwater comments below.
- A4 - Advertising Signs Code
 - Any proposed signage would need to be shown on the application plans, and would need to comply with *DCP Section A4* and *State Environmental Planning Policy No. 64*.
- A10 - Exempt and Complying Development
- A15 - Waste Minimisation and Management
- A16 - Preservation of Trees or Vegetation
- A17 – Business, Enterprise Corridor & General Industrial Zones

2.4. General Industrial Zone (IN1)

The General Industrial zone accommodates a range of industrial and warehouse uses and seeks to encourage employment opportunities. Like the B5 zone, development within the IN1 zone typically includes buildings with large floor areas and greater needs for on-site vehicle servicing. Accordingly larger minimum lot sizes apply and additional consideration of how development integrates within the wider landscape may be required.

Whilst the development form may be similar to the B5 zone, the General Industrial zone is not a suitable location for retail development and other non-industrial land uses outside of land uses that serve the day to day needs of workers in the area. Such land uses may include neighbourhood shops, take away food and drink and child care centres. Given the potential impacts of industrial development and the sensitivities of ancillary and facilitating land uses, a strategic approach to subdivision and building design is required to limit interface impacts and enable the seamless evolution of land uses within a General Industrial precinct over time.

3.1. Site Analysis

Controls

- C1. A Site Analysis Plan including 'existing condition plan' which identifies the key opportunities and constraints of the site demonstrating a contextual understanding of the site and surrounding areas and a 'design response plan' demonstrating how the proposed design responds to these opportunities and constraints is to be provided with any new build development application.

4.2. Site Coverage and Landscape Area

Controls:

- C1. The maximum site coverage is 70% of the site area.
- C2. The minimum landscape area is 10% of the site area. Landscaped areas includes all permeable and semi permeable surfaces outside of the defined site coverage area but does not include hardstand driveways, paths and parking areas. The minimum dimension of a landscaped area needs to be 2.0m.

4.3. Building Heights

Controls:

- C1. Demonstrate how the height of proposed building/s responds and is appropriate to the role and desired future character of the business development and locality.
- C2. Buildings are to be constructed to a height that complements the surrounding built form and landscape character.
- C3. Demonstrate, through the provision of landscaping plan, the provision of plantings that assist in creating a human scale and reducing visual bulk, primarily to the streetscape and secondly within the site.

5.2. Building Form and Materials

Controls:

C2. The design of business and commercial buildings are to:

- use a mix of materials, architectural features and colours which will improve the articulation and overall visual appearance and serve to breakdown the overall building scale, bulk and mass. (Refer to Figure 5.3 for design principles). A schedule of materials and finishes including proposed palette of colours is to be submitted with any development application.
- articulate different three dimensional elements of the building by expressing volumes through form and material mix including stepping, recessing, cantilevering or projecting building form elements.
- breakdown scale and bulk by incorporating architectural detail and human scale elements such as an entrance canopies, foyers and awning.
- using a series of roofs rather than one single roof form to create architectural interest and reduce impacts of reflectivity and glare, and use visually mitigating colours where roofs will be visible or looked down on from surrounding areas.
- provide screens to conceal loading, storage, rubbish disposal, plant, equipment and other similar uses in side and rear areas.

5.4. Views and Visual Amenity

Controls:

- C1. Potential view and overlooking impacts and the design response/s pursued are to be documented within a site analysis.
- C2. Where business developments interface with residential or open space areas, visual amenity impacts are to be mitigated against through building design and landscaping. For example, an unarticulated concrete tilt up wall interfacing with a residential area is unacceptable.
- C3. Where located within a recognised view corridor a Visual Impact Statement may be required.
- C4. The design of roof forms and use of colour is to have regard to and be compatible with the broader landscape character especially when on exposed locations.

6. Landscaping

Controls:

- C1. Submit a landscape plan making provision for appropriate landscaping areas, buffers. Any proposed removal of trees or vegetation is to be identified on the landscaping plan.
- C2. On individual allotments, the front setback, excluding access ways, is to have a landscape buffer of at least 3.0 metres depth.
- C3. Each development shall be provided with at least one private open space area for the use and enjoyment of employees and visitors. The area shall be suitably embellished with shade and seats. Rather than occupying 'leftover spaces' these areas should have regard for outlook, sun and shade, and noise. These areas should be nominated on the site analysis or site plan with the size proportionate to proposed floor area and number of staff. As a guide the area should be at least 50sqm.

7.3. Signs and Advertising

Controls:

- C1. Maximum of one sign per elevation and tennacy.
- C2. Multi-unit developments are to include a single multiple business identification/index sign at the entrance to the site which details each occupant, its activity and unit number to a maximum height of 6 meters and display areas of 15m². Each individual business signage area within the index sign is to be a maximum of 5m².
- C3. The design and construction of signs are to meet the following requirements:
 - Signs are situated near site entries and are well placed for viewing by pedestrians and drivers;
 - One free-standing pylon sign per freehold site to a maximum size of 4.0 metres high and 2.5 metres wide;
 - Wording on the sign is limited to the name, logo, location, business and products of the establishment;
 - Fluorescent or iridescent paints or signs that rotate, flash or move are not supported;
 - Signs are to integrate with the form of development scale, colour and style and are not visually dominating.
- C4. Directional signage should assist with 'way finding' on the site for pedestrians, vehicles and cyclists, including entry and exits, parking controls and delivery and reception areas. Directional signage should be part of an overall signage 'language' of fonts, colours and other related imagery for the site.
- C5. No bunting, sandwich boards or any 'stand alone' advertising structure, except pylon signs detailed above.

Section 64 and Section 7.11 Plans

- Water
- Sewer
- Plan No. 4 - Tweed Road Contribution Plan

Where a proposed traffic generation rate departs from the prescriptive rates in this table or is not stated, a detailed Traffic Study is required substantiating that the proposal conforms with the principles and objectives of this plan. The Traffic Study may be based on observed daily traffic generation rates of similar land uses in the area on at least 4 representative occasions. Further reference should also be made to Section 3.6.3 of this plan.

- Plan No. 18 - Council Administration Offices & Technical Support Facilities
A credit of 1 ET applies to the site, less any previously absorbed credit.
A detailed quote can be provided upon request for a fee for the proposed uses (once determined).

Comments on submitted plan

- It is considered that the proposed development in its entirety is considered a *State Significant Development* (SSD) under the *State Environmental Planning Policy (SEPP) (State and Regional Development) 2011*, and *Designated Development* under the *Environmental Planning & Assessment Regulations*.

Applicants specific questions

1. **Could Council clarify whether the existing capacity of the WWTP is based on actual or theoretical wastewater loading? Is there any scope for an audit of ETs in the industrial area, or for purchase of ET credits?**

Refer to Water & Wastewater comments below.

2. **Are there any other options to increase sewer discharge prior to the WWTP upgrade?**

Refer to Water & Wastewater comments below.

3. **Could the entire building be constructed under a separate DA (e.g. for an industrial building), whilst the EIS is being prepared for the fit out and production in 2 stages?**

Council does not support the proposed building/warehouse to be constructed under a separate Development Application. Any proposal for a brewery at the subject site should be prepared as a staged development.

It was noted during the meeting that the proposed building was to be amended to comply with a 10m height limit. Accordingly, a CDC application is an available pathway for the construction of the building (subject to a CDC pre-lodgement check to ensure compliance with Part 5A of the Exempt and Complying Code SEPP, for the construction of a building for the purposes of Industry, noting that food and drink premises are not allowable and a 10m height limit applies). If this approach is taken the EIS would need to be for alterations and additions to the building (fermenter tanks being 16m high and tasting area) as well as the use of the building as a brewery.

Additional Reports (in support of the EIS)

- Acid Sulfate Soils Management Plan

- Air Quality Assessment Report
- Civil Engineering Report
- Landscaping Plan
- Lighting Plan
- Odour Assessment Report
- Noise Impact Assessment Report
- Stormwater Management Plan
- Traffic Impact Assessment
- Traffic Generation – where a land use is not nominated in TRCP, a traffic generation report may be considered for trip generation.
- Waste Management Plan
- View Impact Analysis

Additional plans and details required in the Environmental Impact Statement (EIS) should include (but is not limited to the following)

- The application should include a site analysis identifying surrounding land use, site constraints and opportunities (etc).
- Visual analysis.
- Detailed site plan, floor plans, elevations and sections (including colours and materials). Shadow diagrams should also be provided.
- Details of any proposed vegetation removal.
- Proposed works including cut and fill and location/depth of any retaining walls.
- Food safety; Manufacturing process.
- Hours of operation; Number of staff.

2. Roads and Stormwater Comments

Issues:

- Access to the development would need to comply with Council's "Driveway Access to Property Design Specification". An application under Section 138 of the Roads Act identifying driveway access and proposed levels and grades, will be required to be submitted and approved, prior to issue of the construction certificate.
- The provisions of AS2980.1 will also apply requiring maximum gradient of 5% for the first 6 metres past the property line.
- Analysis will be required to determine the required amount of car parking and to assist Council in determining the applicable parking provision under the relevant DCP.

- On site treatment of stormwater runoff would be required prior to discharge into the public system in accordance with Council's "Tweed Urban Stormwater Quality Management Plan" and Development Design Specification D7 – Stormwater Quality (www.tweed.nsw.gov.au/PlanningBuilding/Subdivisions/D7.pdf). An application under Section 68 of the Local Government Act should accompany the development application to identify all site drainage, stormwater quality devices and proposed stormwater outlets and also any required erosion and sedimentation control measures.

3. Building Comments Issues:

- The Development would need to comply with the Building Code of Australia. Attention is directed to Open space requirements of C2.4 - Part C2 of Vol. 1 of the BCA.

See extract below:

C2.2 General floor area and volume limitations

- The size of any *fire compartment* or *atrium* in a Class 5, 6, 7, 8 or 9 building must not exceed the relevant maximum *floor area* nor the relevant maximum volume set out in Table C2.2 and C2.5 except as permitted in C2.3.
- A part of a building which contains only heating, ventilating, or lift equipment, water tanks, or similar service units is not counted in the *floor area* or volume of a *fire compartment* or *atrium* if it is situated at the top of the building.
- In a building containing an *atrium*, the part of the *atrium* well bounded by the perimeter of the openings in the floors and extending from the level of the first floor above the *atrium* floor to the roof covering is not counted in the volume of the *atrium* for the purposes of this clause.

Table C2.2 Maximum size of fire compartments or atria

Classification	Type A construction	Type B construction	Type C construction
5, 9b or 9c	Max floor area—8 000 m ² Max volume—48 000 m ³	Max floor area—5 500 m ² Max volume—33 000 m ³	Max floor area—3 000 m ² Max volume—18 000 m ³
6, 7, 8 or 9a (except for patient care areas)	Max floor area—5 000 m ² Max volume—30 000 m ³	Max floor area—3 500 m ² Max volume—21 000 m ³	Max floor area—2 000 m ² Max volume—12 000 m ³

Note to Table C2.2: See C2.5 for maximum size of compartments in *patient care areas* in Class 9a *health-care buildings*.

C2.3 Large isolated buildings

The size of a *fire compartment* in a building may exceed that specified in Table C2.2 where—

- the building does not exceed 18 000 m² in *floor area* nor exceed 108 000 m³ in volume, if—
 - the building is Class 7 or 8 and—
 - contains not more than 2 *storeys*; and
 - is provided with open space complying with C2.4(a) not less than 18 m wide around the building; or
 - the building is Class 5, 6, 7, 8 or 9 and is—
 - protected throughout with a sprinkler system complying with Specification E1.5; and
 - provided with a perimeter vehicular access complying with C2.4(b); or

- (b) the building is Class 5, 6, 7, 8 or 9 and exceeds 18 000 m² in floor area or 108 000 m³ in volume, if it is—
 - (i) protected throughout with a sprinkler system complying with Specification E1.5; and
 - (ii) provided with a perimeter vehicular access complying with C2.4(b); or
- (c) there is more than one building on the allotment and—
 - (i) each building complies with (a) or (b); or
 - (ii) if the buildings are closer than 6 m to each other they are regarded as one building and collectively comply with (a) or (b).

C2.4 Requirements for open spaces and vehicular access

- (a) An open space *required* by C2.3 must—
 - (i) be wholly within the allotment except that any road, river, or public place adjoining the allotment, but not the farthest 6 m of it may be included; and
 - (ii) include vehicular access in accordance with (b); and
 - (iii) not be used for the storage or processing of materials; and
 - (iv) not be built upon, except for guard houses and service structures (such as electricity substations and pump houses) which may encroach upon the width of the space if they do not unduly impede fire-fighting at any part of the perimeter of the allotment or unduly add to the risk of spread of fire to any building on an adjoining allotment.
- (b) Vehicular access *required* by this Part—
 - (i) must be capable of providing continuous access for emergency vehicles to enable travel in a forward direction from a public road around the entire building; and
 - (ii) must have a minimum unobstructed width of 6 m with no part of its furthest boundary more than 18 m from the building and in no part of the 6 m width be built upon or used for any purpose other than vehicular or pedestrian movement; and
 - (iii) must provide reasonable pedestrian access from the vehicular access to the building; and
 - (iv) must have a load bearing capacity and unobstructed height to permit the operation and passage of *fire brigade* vehicles; and
 - (v) must be wholly within the allotment except that a public road complying with (i), (ii), (iii) and (iv) may serve as the vehicular access or part thereof.

- Compliance with the Disability Discrimination Act would be required.
- Access for disabled would need to comply with AS1428.
- A Construction Certificate Application would be required for any building works after approval of any Development Application. Approval of any Development Application does not automatically assume compliance with the BCA for the Construction Certificate.
- Council's Building Unit provides a professional Construction Certificate service. Should you wish to obtain a Construction Certificate quote for the proposed development, please contact Council's Senior Building Surveyor.

**4. Water and Wastewater Comments
Issues:**

- Following investigations, TSC's Water and Wastewater Unit has determined that the existing Murwillumbah Wastewater Treatment plant can cater for the increase to 160kL/day (subject to discharge quality) – noting the assumption the existing Stone and Wood site is not operational.
- The capacity of the WWTP has been assessed based on actual wastewater loading and the need to support future development on currently undeveloped (zoned) land. The ET estimates for the undeveloped industrial areas is consistent with the zoned land use. ***Therefore, there is unfortunately no avenue for Stone and Wood to be allocated additional ET entitlements***

until the WWTP has been upgraded (including using sewer discharge allowances allocated to other adjacent properties).

- Upgrades to the TSC Wastewater Treatment Plant (WWTP) are currently planned by TSC and are independent of the proposed development. These are not due to be completed until 2026 at the very earliest. However once the upgrade works have been completed, the discharge from Stone and Wood will no longer be limited by the WWTP capacity. ***Rather, after the WWTP upgrade the maximum allowable discharge will be dependent upon the available capacity of the reticulation network. A proportional increase in discharge is likely capped at 480kl/day and 15L/s instantaneous discharge for 9 hours during nocturnal times which shall require a significant amount of on-site storage of treated effluent. This will be subject to further discussions with TSC.***
- It is advised that sewer infrastructure works to upgrade the existing reticulation network would be required should Stone and Wood wish to significantly increase their allowable discharge. Previous planned upgrades of the downstream sewer pump station (SPS1028) were not until 2031 and therefore any proposed increase in discharge would require these works to be brought forward (and potentially augmentation of the gravity sewer and SPS1028). As the site is located in a future growth area it is advised that TSC will be responsible for upgrading of the other trunk infrastructure from SPS1028 to the WWTP. This will be programmed to be delivered shortly after the WWTP upgrade but will be dependent on Stone and Woods development approval for the relocated site and increased discharges to proceed.
- The relocated facility will be conditioned to ensure the maximum peak discharge rate is 5L/s (as existing). It should be noted that the increase to 160kL/day shall be achieved by increasing the duration discharge is pumped to the Council network. The period in which pumping is allowed is to be negotiated with Council and is likely to coincide with nocturnal loading periods. Analysis of the existing pipe network and proposed discharge connection point of the relocated site has confirmed that there is sufficient capacity in the existing pipe network to cater for the maximum 5L/s instantaneous peak discharge rate.
- The augmented loading will increase sludge production at Council's Murwillumbah WWTP. Further, the liquid trade waste discharge quality limits must comply with those in the DPIE Liquid Trade Waste Management Guidelines 2021, giving consideration to the fact that Murwillumbah WWTP is near capacity. The increased discharge to 160kL/day requires the quality of the discharge to remain within the following limits:

BOD (5day)	300 mg/L
COD	600 mg/L
Suspended Solids	300 mg/L
Total Dissolved Solids	4000 mg/L
pH	7 to 9
Temperature	35 degree C

**MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD
WEDNESDAY 12 MAY 2021**



Oil & Grease	10 mg/L
Detergents (MBAS)	10 mg/L
Colour	Not visible after dilution with sewerage
Total Kjeldahl Nitrogen	30 mg/L
Ammonia (as N)	10 mg/L
Total Phosphorous	20 mg/L

- Stone and Wood will need to prove that the wastewater treatment process at the relocated site can meet the treated effluent parameters in accordance with their concurrence Trade Waste Agreement(s) with Department of Planning, Industry and Environment and TSC. This will require a staged development process of phasing out the existing facility while growing the production at the proposed site so that the combined discharge does not exceed 160kl/day and 5L/s (nocturnal loading periods expected at 9pm until 6am) until such time that the WWTP and downstream network is upgraded.

TSC advises that conditions of consent will be provided that will require the proposed site to commence with a discharge of 40kl/day at the proposed site and work in stepwise increments to the 160kl/day, in order to demonstrate that the proposed site is operating as required.

- It is also noted that odour control shall be required to be considered in the conditions of approval in order for the proposed development to meet the requirements of the Environmental Protection Agency (EPA).
- Section 64 Developer Contributions shall be undertaken via quote. It is advised that the existing Section 64 Credit is 1.0 ET for water and 1.0 ET for sewer and no Section 64 Developer Contributions purchased on the lot that the existing facility operates are able to be transferred to the proposed facility on the relocated lot.

**5. Environmental Health Comments
Issues:**

Acid Sulfate Soils and Dewatering

- The subject site has been classified as Class 4 and 5 Acid Sulfate Soils, therefore the applicant is to address acid sulfate soils as part of the Development Application.
- The applicant is required to investigate whether dewatering is required. If so, a Dewatering Management Plan prepared in accordance with 'Dewatering in the Tweed – A Guideline for the Management of Dewatering Operations' will be required to be submitted with the Development Application.

Amenity



- Any Development Application is to address noise impacts associated with construction and use of the development, including hours of operation and plant and equipment. Any Development Application is to address impact from any external lighting on surrounding properties.

Contamination

- The applicant shall address current and previous land uses in accordance with *State Environmental Planning Policy (SEPP) 55 – Remediation of Land* with the development application. All contaminated land reports submitted for Council review as of 1 July 2020 must be accompanied by a Contaminated Land Summary Table to ensure that key mandatory information is incorporated into consultant's reports (available at <https://www.tweed.nsw.gov.au/ContaminatedLand>).

Food and Drink Premises

- Any area to be used for the preparation and handling of food or drink for sale will need to comply with *Food Act 2003*, Food Safety Standards and relevant Australian Standards (AS 4674 and AS 1668.2) for construction and fitout.
- It is recommended any Development Application include plans drawn to a scale of 1:50 detailing the following with regards to all food and drink related areas shall be provided to Council's Environmental Health Officers for review:
 - i) Floor plan and sectional elevations in two directions;
 - ii) All internal finish details including work surfaces, floors, wall, ceiling and lighting;
 - iii) Hydraulic design in particular method of disposal of trade waste;
 - iv) Details of the location and method of mechanical exhaust ventilation for the food premises that considers noise, odour, and AS1668 Pts 1 & 2. These are to include the location of the proposed exhaust system including location of discharge point/s on the plans

Note - Separate Application for Approval of Food Premises Fitout will be required.

Regulated Systems

- Any application is to include details of any proposed regulated systems, including cooling towers, under the *Public Health Act 2010* and *Public Health Regulation 2012*. Such details shall demonstrate compliance with the previously mentioned legislation.

Waste

- The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW Environment Protection Authority "Waste Classification Guidelines".

- The importation of waste to the site is restricted to the following:
 - a) Virgin excavated natural material (as defined in Schedule 1 of the *Protection of the Environment Operations Act*);
 - b) Any other waste-derived material subject to a resource recovery exemption under Part 9 Clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
- The exportation of waste must be transported to a licensed waste facility or an approved site subject to a resource recovery order and exemption.
- Any virgin excavated natural material or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifying Authority or Council on request.

6. Conclusion:

It is open to the applicant to lodge a development application and any such application would be considered on its merits having particular regard to the above issues. The comments provided above are to assist the proponent in preparing a development application. No detailed assessment has been carried out and all issues may not have been identified. Therefore, the above advice does not provide certainty of approval being obtained.

NOTE: THESE ARE DRAFT MINUTES ONLY AND ARE SUBJECT TO CONFIRMATION. IF ANY SUBSTANTIAL CHANGES ARE MADE COPIES OF THE ADOPTED MINUTES WILL BE FORWARDED WITH CHANGES HIGHLIGHTED IN ITALICS
