

2 August 2021

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Planning & Assessment
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Please address all communications
to the General Manager

ABN: 90 178 732 496

Attention: Thomas Bertwistle

Dear Sir / Madam

Tweed Shire Council SEARs Submission – Northern Rivers Brewery - State Significant Development (SSD-24147749)

I refer to the Department's invitation for Council's input into the SEARs for the proposed Northern Rivers Brewery State significant development (SSD) application (SSD-24147749).

Council officers have undertaken a review of the proponent's Scoping Report and provide the following comments for the Department's consideration.

Planning

- The EIS should incorporate an assessment against the following:
 - TLEP 2014 Clause 2.3 – Zone Objectives (IN1 General Industry);
 - TLEP 2014 Clause 4.3 – Height of Buildings (10m);
 - TLEP 2014 Clause 4.6 – Exceptions to Development Standards;
 - TLEP 2014 Clause 5.21 – Flood Planning;
 - DCP A2 – Access & Parking;
 - DCP A3 – Development of Flood Liable Land;
 - DCP A4 – Advertising Signs Code;
 - DCP A15 – Waste Minimisation & Management;
 - DCP A16 – Preservation of Trees or Vegetation; and
 - DCP A17 – Business, Enterprise Corridor & General Industry Zones.
- The proposal should demonstrate that the proposed front of house / tasting room is ancillary to the brewery. If these areas become a separate use, they would be defined as *food & drink premises*, which are prohibited in the IN1 General Industry zone.
- The EIS should include details on the proposed hours of operation and number of staff for each stage of the development.
- The EIS should be accompanied by a Landscaping Plan and View Impact Analysis.

Water & Waste Water

- 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
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.

Environmental Health

Acid Sulfate Soils and Dewatering

- Provide an Acid Sulfate Soils Management Plan.
- Where required, provide a Dewatering Management Plan prepared in accordance with 'Dewatering in the Tweed – A Guideline for the Management of Dewatering Operations'.

Amenity

- Provide a Construction Site Management Plan that assesses construction, site activities, vehicle movements, hours of operation, plant and equipment, dust/air quality and complaint management.
- Assess potential noise, odour and lighting impacts associated with use of the development on offsite receivers.
- Assess potential impacts on the development from existing offsite land uses. This includes sugar cane burning and harvesting, and impacts on food serving and other indoor and outdoor customer areas.

Contamination

- Assess and quantify potential soil and groundwater contaminated in accordance with *State Environmental Planning Policy (SEPP) 55 – Remediation of Land* with the development application. Reports are to follow the reporting stages outlined in Consultants reporting on contaminated land (NSW EPA, 2020). 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

- Provide details of all areas used for the preparation and/or handling of food or drink for sale. Such areas 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. Food fitout plans will require the prior approval of Council.

Regulated Systems

- Provide details of any proposed regulated systems, including cooling towers, cooling water systems and warm-water systems. Such systems must comply with the requirements of the *Public Health Act 2010* and *Public Health Regulation 2012*. Details must demonstrate compliance with the previously mentioned legislation.

Waste

- Identify, quantify and classify the likely waste streams to be generated during construction (including the importation of fill or exportation of spoil) and operation, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements (including but not limited to, waste management, loading zones and mechanical plant) for the site.

Wastewater and Trade Waste

- The site is serviced by gravity sewerage. Trade waste treatment may be required. Refer to Water and Wastewater comments above.

Flooding / Stormwater

- A stormwater management plan prepared by a qualified engineer addressing Development Design Specifications D5 – Stormwater Drainage Design and D7 – Stormwater Quality, including:
 - Utilisation of water sensitive urban design where appropriate
 - Stormwater quality control devices for any hardstand / car parking / driveway areas
 - An erosion and sediment control plan for the construction phase

Traffic

- Undertake a transport, traffic impact assessment and parking analysis as proposed within the Scoping Report.

- Access to the development would need to comply with Council's "Driveway Access to Property Design Specification".
- The provisions of AS2980.1 will also apply requiring a maximum gradient of 5% for the first 6m past the property line.

Building Unit

- 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

- (a) 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.
- (b) 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.
- (c) 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 <i>floor area</i> —8 000 m ² Max volume—48 000 m ³	Max <i>floor area</i> —5 500 m ² Max volume—33 000 m ³	Max <i>floor area</i> —3 000 m ² max volume—18 000 m ³
6, 7, 8 or 9a (except for <i>patient care areas</i>)	Max <i>floor area</i> —5 000 m ² Max volume—30 000 m ³	Max <i>floor area</i> —3 500 m ² Max volume—21 000 m ³	Max <i>floor area</i> —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—

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

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

Lindsay McGavin

Manager Development Assessment and Compliance



Our Ref: DOC21/589654
Your Ref: SSD 24147749

Director Industry Assessments
Department of Planning, Industry and Environment
Locked Bag 5022
Paramatta NSW 2124

Attention: Mr Thomas Bertwistle

Dear Mr Ritchie

Re: Request for Environmental Assessment Requirements – Northern Rivers Brewery, Tweed Shire Local Government Area, SSD 24147749

Thank you for your e-mail of 13 July 2021 inviting input to the preparation of Secretary's Environmental Assessment Requirements (SEARs) for the Northern Rivers Brewery proposal from the Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment, Energy and Science Group of the Department of Planning, Industry and Environment.. I appreciate the opportunity to provide advice.

The BCD was formerly part of the Office of Environment and Heritage, but now forms part of a Group that has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), National Parks and Wildlife Service estate, climate change, sustainability, flooding, coastal and estuary matters.

We note that the proposal will be assessed as State Significant Development/Infrastructure in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Environmental Impact Statement (EIS) SEARs provided by the Biodiversity and Conservation Division are limited to biodiversity, water, soils and flooding matters.

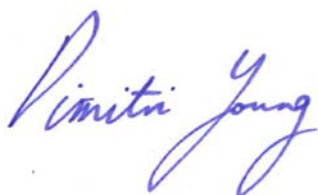
These SEARs, as they relate to biodiversity, have been issued with respect to the *Biodiversity Conservation Act 2016*.

The proponent should ensure that the EIS will be sufficiently comprehensive to enable unambiguous determination of the extent of the direct and indirect impact(s) of the proposal. The EIS should include an appropriate assessment of the potential impacts on (enter key issues here). We consider that this information is necessary to assess an EIS for the proposal.

The full lists of our standard and project specific requirements that may need to be addressed in the EIS are provided in **Attachment A**. In preparing the EIS, the proponent should refer to the relevant guidance material listed in **Attachment B**.

If you have any questions about this advice, please do not hesitate to contact Mr Paul Houlder, Project Officer Data Support, at paul.houlder@environment.nsw.gov.au or on 6670 8679.

Yours sincerely



26 July 2021

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Enclosures: Attachment A - BCD Standard Environmental Assessment Requirements (SSD – 24147749);
Attachment B — Guidance Material (SSD – 24147749).

Attachment A – Biodiversity and Conservation Division Standard Environmental Assessment Requirements (SSD 24147749)

Biodiversity 1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 using the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the <i>Biodiversity Conservation Act 2016</i> (s6.12), <i>Biodiversity Conservation Regulation 2017</i> (s6.8) and Biodiversity Assessment Method, unless Biodiversity and Conservation Division and Planning and Assessment Group determine that the proposed development is not likely to have any significant impacts on biodiversity values. 2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method. 3. The BDAR must include details of the measures proposed to address the offset obligation as follows: • The total number and classes of biodiversity credits required to be retired for the development/project; • The number and classes of like-for-like biodiversity credits proposed to be retired; • The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules; • Any proposal to fund a biodiversity conservation action; • Any proposal to conduct ecological rehabilitation (if a mining project); • Any proposal to make a payment to the Biodiversity Conservation Fund. If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits. 4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM. 5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the <i>Biodiversity Conservation Act 2016</i>.
Water and soils 6. The EIS must map the following features relevant to water and soils including: a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map). b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method). c. Wetlands as described in s4.2 of the Biodiversity Assessment Method. d. Groundwater. e. Groundwater dependent ecosystems. f. Proposed intake and discharge locations. 7. The EIS must describe background conditions for any water resource likely to be affected by the development, including: a. Existing surface and groundwater.

b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations. c. Water Quality Objectives (as endorsed by the NSW Government http://www.environment.nsw.gov.au/ieo/index.htm) including groundwater as appropriate that represent the community's uses and values for the receiving waters. d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government. e. Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning
8. The EIS must assess the impacts of the development on water quality, including: a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the [development] protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction. b. Identification of proposed monitoring of water quality. c. Consistency with any relevant certified Coastal Management Program (or Coastal Zone Management Plan)
9. The EIS must assess the impact of the development on hydrology, including: a. Water balance including quantity, quality and source. b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas. c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems. d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches). e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water. f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options. a. Identification of proposed monitoring of hydrological attributes.
Flooding
10. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including: a. Flood prone land. b. Flood planning area, the area below the flood planning level. c. Hydraulic categorisation (floodways and flood storage areas). d. Flood hazard

11. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.
12. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios: a. Current flood behaviour for a range of design events as identified in 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
13. Modelling in the EIS must consider and document: a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies. b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood. c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories. d. Relevant provisions of the NSW Floodplain Development Manual 2005.
14. The EIS must assess the impacts on the proposed development on flood behaviour, including: a. Whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure. b. Consistency with Council floodplain risk management plans. c. Consistency with any Rural Floodplain Management Plans. d. Compatibility with the flood hazard of the land. e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land. f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site. g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council. i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council. j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES. k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

Attachment B – Guidance material (SSD/SSI- SSD 24147749)

Title	Web address
<u>Relevant Legislation</u>	
<i>Biodiversity Conservation Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Coastal Management Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<i>Fisheries Management Act 1994</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
<i>Marine Parks Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N
<i>National Parks and Wildlife Act 1974</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
<i>Wilderness Act 1987</i>	http://www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N
<u>Biodiversity</u>	
Biodiversity Assessment Method (OEH, 2017)	http://www.environment.nsw.gov.au/resources/bcact/biodiversity-assessment-method-170206.pdf
Biodiversity Development Assessment Report	https://www.legislation.nsw.gov.au/#/view/act/2016/63/part6/div3/sec6.12
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	http://www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determine-serious-irreversible-impact-170204.pdf
Accreditation Scheme for Application of the Biodiversity Assessment Method Order 2017	https://www.legislation.nsw.gov.au/regulations/2017-471.pdf
Biodiversity conservation actions	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf
Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf
Threatened Species Website	www.environment.nsw.gov.au/threatenedspecies/
NSW BioNet (Atlas of NSW Wildlife)	www.bionet.nsw.gov.au/
NSW guide to surveying threatened plants (OEH 2016)	www.environment.nsw.gov.au/resources/threatenedspecies/160129-threatened-plants-survey-guide.pdf
Threatened species survey and assessment guideline information	www.environment.nsw.gov.au/threatenedspecies/surveyassessmentguidelines.htm

Title	Web address
BioNet Vegetation Classification - NSW Plant Community Type (PCT) database	www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm
Data Portal (access to online spatial data)	http://data.environment.nsw.gov.au/
Fisheries NSW policies and guidelines	http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy (OEH, 2012)	http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm
Developments adjacent to National Parks and Wildlife Service lands Guidelines for consent and planning authorities (DPIE 2020)	https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf
<u>Water and Soils</u>	
Acid sulphate soils	
Acid Sulfate Soils Planning Maps via Data.NSW	http://data.nsw.gov.au/data/
Acid Sulfate Soils Manual (Stone et al. 1998)	http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding and Coastal Erosion	
Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Floodplain development manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
Guidelines for Preparing Coastal Zone Management Plans	http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	www.environment.gov.au/water/publications/quality/australian-and-new-zealand-guidelines-fresh-marine-water-quality-volume-1
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf



OUT21/9669

Mr Thomas Bertwistle
Department of Planning Industry and Environment

Thomas.bertwistle@planning.nsw.gov.au

Dear Mr Bertwistle

Environmental Assessment Requirements– SSD 24147749 – Northern Rivers Brewery, 34-38 Honeyeater Circuit, South Murwillumbah

Thank you for your correspondence dated 2 July 2021 requesting Environmental Assessment Requirements (EARs) for the above proposal.

The NSW Department of Primary Industries (DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

I note that the land adjoining the site is used for sugar cane production. It is important that potential impacts on agricultural land uses in the vicinity are identified and mitigated where possible to ensure that the existing business can remain operational during this period.

DPI Agriculture expects that the environmental assessment will include a land use conflict risk assessment (LUCRA) to detail the potential impacts that the proposed development may have on neighbouring agricultural land uses and the measures proposed to mitigate these impacts. Consultation with the owners and operators of the agricultural businesses on adjoining lots will help to inform the potential impacts and mitigation measures.

DPI Agriculture's guidelines on land use conflict risk assessments and buffers are contained in the following documents:

- [Land Use Conflict Risk Assessment \(LUCRA\) Guide](#)
- [Buffer Zones to Reduce Land Use Conflict with Agriculture – An Interim Guideline](#)

Should you require clarification on any of the information contained in this response, please contact me on 0429 864 501 or by email at landuse.ag@dpi.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Garnett'.

21 July 2021
Paul Garnett
Agricultural Land Use Planning Officer



OUT21/9436

Thomas Bertwistle
Planning and Assessment Group
NSW Department of Planning, Industry and Environment

thomas.bertwistle@planning.nsw.gov.au

Dear Mr Bertwistle

**Northern Rivers Brewery (SSD-24147749)
Comment on the Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email of 13 July 2021 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following recommendations are provided by DPIE Water and NRAR.

The SEARS should include:

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <https://www.industry.nsw.gov.au/water>).

Any further referrals to DPIE Water and NRAR can be sent by email to landuse.enquiries@dpie.nsw.gov.au, or to the following coordinating officer within DPIE Water:

Alistair Drew, Project Officer
E: Alistair.drew@dpie.nsw.gov.au
M: 0417 626 567

Yours sincerely

Alistair Drew
Project Officer, Assessments
Water – Knowledge Office
20 July 2021



NSW Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Mr Thomas Bertwistle, Environment Assessment Officer, Energy Resource
Assessment

Notice Number 1611020
File Number EF18/43525
Date 27-Jul-2021

Re: Construction of a new brewery with an ancillary tasting room at 34-38 Honeyeater Circuit, South Murwillumbah (Lot 516, DP 1132400) - SSD-24147749

I refer to your request for the Environment Protection Authority's (EPA) requirements for the environmental assessment (EA) in regard to the above proposal received by EPA on 13 July 2021.

The proposal involves the development of a new purpose-built brewery and associated tasting room, including tours for the public and offices. 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 EPA has considered the details of the proposal as provided by the Department Planning Industry and Environment and has identified the information it requires to issue its general terms of approval in Attachment A. In summary, the EPA's key information requirements for the proposal include an adequate assessment of:

1. Water quality management- trade waste treatment facility, treated water reuse by irrigation
2. Air quality impacts- particularly relating to dust and odour management
3. Noise impacts
4. Waste management
5. Land contamination
6. Acid Sulfate Soils

In carrying out the assessment, the proponent should refer to the relevant guidelines as listed in Attachment B and any relevant industry codes of practice and best practice management guidelines.

Please note that this response does not cover biodiversity or Aboriginal cultural heritage issues, which are the responsibility of the Office of Environment and Heritage.



Any brewing activity which has a capacity to produce more than 30 tonnes of alcohol or alcoholic products per day or 10,000 tonnes of alcohol or alcoholic products per year triggers Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). Given the proposed production capacity of forty (40) million litres per annum, the proponent will need to apply to the EPA separately to obtain an Environment Protection Licence. (EPL).

The Proponent should be made aware that any commitments made in the EA may be formalised as approval conditions and may also be placed as formal licence conditions.

The Proponent should be made aware that, consistent with provisions under Part 9.4 of the *Protection of the Environment Operations Act 1997* ("the Act") the EPA may require the provision of a financial assurance and/or assurances. The amount and form of the assurance(s) would be determined by the EPA and required as a condition of an Environment Protection Licence ("EPL").

In addition, as a requirement of an EPL, the EPA will require the Proponent to prepare, test and implement a Pollution Incident Response Management Plan and/or Plans in accordance with Section 153A of the Act.

If you have any queries regarding this matter please contact Johanne Hunt on (02) 9860-1476 or by email Johanne.hunt@epa.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Donohoe', written over a horizontal line.

.....
Robert Donohoe
A/Head Environmental Management Unit
Environment Protection Authority

(by Delegation)

ATTACHMENT A: EIS REQUIREMENTS FOR

**Construction of a new brewery with an ancillary tasting room at 34-38 Honeyeater Circuit,
South Murwillumbah (Lot 516, DP 1132400) - SSD-24147749**

How to use these requirements

The EPA requirements have been structured in accordance with the DIPNR EIS Guidelines, as follows. It is suggested that the EIS follow the same structure:

- A. Executive summary
- B. The proposal
- C. The location
- D. Identification and prioritisation of issues
- E. The environmental issues
- F. List of approvals and licences
- G. Compilation of mitigation measures
- H. Justification for the proposal

A Executive summary

The executive summary should include a brief discussion of the extent to which the proposal achieves identified environmental outcomes.

B The proposal

1. Objectives of the proposal

- The objectives of the proposal should be clearly stated and refer to:
 - a) the size and type of the operation, the nature of the processes and the products, by-products and wastes produced
 - b) a life cycle approach to the production, use or disposal of products
 - c) the anticipated level of performance in meeting required environmental standards and cleaner production principles
 - d) the staging and timing of the proposal and any plans for future expansion
 - e) the proposal's relationship to any other industry or facility.

2. Description of the proposal

General

- Outline the production process including:
 - a) the environmental "mass balance" for the process – quantify in-flow and out-flow of materials, any points of discharge to the environment and their respective destinations (sewer, stormwater, atmosphere, recycling, landfill etc)
 - b) any life-cycle strategies for the products.
- Outline cleaner production actions, including:
 - a) measures to minimise waste (typically through addressing source reduction)
 - b) proposals for use or recycling of by-products
 - c) proposed disposal methods for solid and liquid waste
 - d) air management systems including all potential sources of air emissions, proposals to re-use or treat emissions, emission levels relative to relevant standards in regulations, discharge points
 - e) water management system including all potential sources of water pollution, proposals for re-use, treatment etc, emission levels of any wastewater discharged, discharge points, summary of options explored to avoid a discharge, reduce its frequency or reduce its impacts, and rationale for selection of option to discharge.
 - f) soil contamination treatment and prevention systems.
- Outline construction works including:
 - a) actions to address any existing soil contamination
 - b) any earthworks or site clearing; re-use and disposal of cleared material (including use of spoil on-site)
 - c) construction timetable and staging; hours of construction; proposed construction methods



- d) environment protection measures, including noise mitigation measures, dust control measures and erosion and sediment control measures.
- Include a site diagram showing the site layout and location of environmental controls.

Air

- Identify all sources or potential sources of air emissions from the development.
Note: emissions can be classed as either:
 - *point (e.g. emissions from stack or vent) or*
 - *fugitive (from wind erosion, leakages or spillages, associated with loading or unloading, conveyors, storage facilities, plant and yard operation, vehicle movements (dust from road, exhausts, loss from load), land clearing and construction works).*
- Provide details of the project that are essential for predicting and assessing air impacts including:
 - a) the quantities and physio-chemical parameters (e.g. concentration, moisture content, bulk density, particle sizes etc) of materials to be used, transported, produced or stored
 - b) an outline of procedures for handling, transport, production and storage
 - c) the management of solid, liquid and gaseous waste streams with potential to generate emissions to air.

Noise and vibration

- Identify all noise sources or potential sources from the development (including both construction and operation phases). Detail all potentially noisy activities including ancillary activities such as transport of goods and raw materials.
- Specify the times of operation for all phases of the development and for all noise producing activities.
- For projects with a significant potential traffic noise impact provide details of road alignment (include gradients, road surface, topography, bridges, culverts etc), and land use along the proposed road and measurement locations – diagrams should be to a scale sufficient to delineate individual residential blocks.

Water

- Provide details of the project that are essential for predicting and assessing impacts to waters including:
 - a) the quantity and physio-chemical properties of all potential water pollutants and the risks they pose to the environment and human health, including the risks they pose to Water Quality Objectives in the ambient waters (as defined on <http://www.environment.nsw.gov.au/ieo/index.htm>, using technical criteria derived from *the Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, ANZECC 2000)
 - b) the management of discharges with potential for water impacts
 - c) drainage works and associated infrastructure; land-forming and excavations; working capacity of structures; and water resource requirements of the proposal.



- Outline site layout, demonstrating efforts to avoid proximity to water resources (especially for activities with significant potential impacts e.g. effluent ponds) and showing potential areas of modification of contours, drainage etc.
- Outline how total water cycle considerations are to be addressed showing total water balances for the development (with the objective of minimising demands and impacts on water resources). Include water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.

Waste and chemicals

Provide details of the quantity and type of both liquid waste and non-liquid waste generated, handled, processed or disposed of at the premises. Waste must be classified according to the EPA's *Waste Classification Guidelines 2014 (as amended from time to time)*

- Provide details of liquid waste and non-liquid waste management at the facility, including:
 - a) the transportation, assessment and handling of waste arriving at or generated at the site
 - b) any stockpiling of wastes or recovered materials at the site
 - c) any waste processing related to the facility, including reuse, recycling, reprocessing (including composting) or treatment both on- and off-site
 - d) the method for disposing of all wastes or recovered materials at the facility
 - e) the emissions arising from the handling, storage, processing and reprocessing of waste at the facility the proposed controls for managing the environmental impacts of these activities.
- Provide details of spoil disposal with particular attention to:
 - a) the quantity of spoil material likely to be generated
 - b) proposed strategies for the handling, stockpiling, reuse/recycling and disposal of spoil
 - c) the need to maximise reuse of spoil material in the construction industry
 - d) identification of the history of spoil material and whether there is any likelihood of contaminated material, and if so, measures for the management of any contaminated material
 - e) designation of transportation routes for transport of spoil.
- Provide details of procedures for the assessment, handling, storage, transport and disposal of all hazardous and dangerous materials used, stored, processed or disposed of at the site, in addition to the requirements for liquid and non-liquid wastes.
- Provide details of the type and quantity of any chemical substances to be used or stored and describe arrangements for their safe use and storage.
- Reference should be made to the guidelines: EPA's *Waste Classification Guidelines 2014 (as amended from time to time)*

Ecologically Sustainable Development (ESD)

- Demonstrate that the planning process and any subsequent development incorporates objectives and mechanisms for achieving ESD, including:



- a) an assessment of a range of options available for use of the resource, including the benefits of each option to future generations
- b) proper valuation and pricing of environmental resources
- c) identification of who will bear the environmental costs of the proposal.

3. Consideration of alternatives and justification for the proposal

- Consider the environmental consequences of adopting alternatives, including alternative:
 - a) sites and site layouts
 - b) access modes and routes
 - c) materials handling and production processes
 - d) waste and water management
 - e) impact mitigation measures
 - f) energy sources
- Selection of the preferred option should be justified in terms of:
 - a) ability to satisfy the objectives of the proposal
 - b) relative environmental and other costs of each alternative
 - c) acceptability of environmental impacts and contribution to identified environmental objectives
 - d) acceptability of any environmental risks or uncertainties
 - e) reliability of proposed environmental impact mitigation measures
 - f) efficient use (including maximising re-use) of land, raw materials, energy and other resources.

C The location

1. General

In preparing the site description the proponent should consider:

- Using map(s) showing the locality of the proposed development in a regional and local context. Local context maps should be based on 1:25000 topographical plans. Photographs of the site's key attributes may provide useful documentation.
- The area subject to development should be clearly identified on an appropriately scaled plan. This includes all ancillary works such as buildings and other structures, parking areas, loading / processing / treatment areas and access roads.
- The applicability or otherwise of Local Environmental Plans (LEP), Regional Environmental Plans (REP) and State Environmental Planning Policies (SEPP).
- Provide an overview of the affected environment to place the proposal in its local and regional environmental context including:
 - a) meteorological data (e.g. rainfall, temperature and evaporation, wind speed and direction)
 - b) topography (landform element, slope type, gradient and length)
 - c) surrounding land uses (potential synergies and conflicts)
 - d) geomorphology (rates of landform change and current erosion and deposition processes)
 - e) soil types and properties (including erodibility; engineering and structural properties; dispersibility; permeability; presence of acid sulfate soils and potential acid sulfate soils)
 - f) ecological information (water system habitat, vegetation, fauna)
 - g) availability of services and the accessibility of the site for passenger and freight transport.

2. Air

- Describe the topography and surrounding land uses. Provide details of the exact locations of dwellings, schools and hospitals. Where appropriate provide a perspective view of the study area such as the terrain file used in dispersion models.
- Describe surrounding buildings that may effect plume dispersion.
- Provide and analyse site representative data on following meteorological parameters:
 - a) temperature and humidity
 - b) rainfall, evaporation and cloud cover
 - c) wind speed and direction
 - d) atmospheric stability class
 - e) mixing height (the height that emissions will be ultimately mixed in the atmosphere)
 - f) katabatic air drainage

g) air re-circulation.

3. Noise and vibration

- Identify any noise sensitive locations likely to be affected by activities at the site, such as residential properties, schools, churches, and hospitals. Typically the location of any noise sensitive locations in relation to the site should be included on a map of the locality.
- Identify the land use zoning of the site and the immediate vicinity and the potentially affected areas.

4. Water

- Describe the catchment including proximity of the development to any waterways and provide an assessment of their sensitivity/significance from a public health, ecological and/or economic perspective. The Water Quality and River Flow Objectives on the website: <http://www.environment.nsw.gov.au/ieo/index.htm> should be used to identify the agreed environmental values and human uses for any affected waterways. This will help with the description of the local and regional area.

5. Soil Contamination Issues

- Provide details of site history – if earthworks are proposed, this needs to be considered with regard to possible soil contamination, for example if the site was previously a landfill site or if irrigation of effluent has occurred.

D Identification and prioritisation of issues / scoping of impact assessment

- Provide an overview of the methodology used to identify and prioritise issues. The methodology should take into account:
 - a) relevant NSW government guidelines
 - b) industry guidelines
 - c) EISs for similar projects
 - d) relevant research and reference material
 - e) relevant preliminary studies or reports for the proposal
 - f) consultation with stakeholders.
- Provide a summary of the outcomes of the process including:
 - a) all issues identified including local, regional and global impacts (e.g. increased/ decreased greenhouse emissions)
 - b) key issues which will require a full analysis (including comprehensive baseline assessment)
 - c) issues not needing full analysis though they may be addressed in the mitigation strategy
 - d) justification for the level of analysis proposed (the capacity of the proposal to give rise to high concentrations of pollution compared with the ambient environment or environmental outcomes is an important factor in setting the level of assessment).

E The environmental issues

1. General

- The potential impacts identified in the scoping study need to be assessed to determine their significance, particularly in terms of achieving environmental outcomes, and minimising environmental pollution.
- Identify gaps in information and data relevant to significant impacts of the proposal and any actions proposed to fill those information gaps so as to enable development of appropriate management and mitigation measures. This is in accordance with ESD requirements.

Note: The level of detail should match the level of importance of the issue in decision making which is dependent on the environmental risk.

Describe baseline conditions

- Provide a description of existing environmental conditions for any potential impacts.

Assess impacts

- For any potential impacts relevant for the assessment of the proposal provide a detailed analysis of the impacts of the proposal on the environment including the cumulative impact of the proposal on the receiving environment especially where there are sensitive receivers.
- Describe the methodology used and assumptions made in undertaking this analysis (including any modelling or monitoring undertaken) and indicate the level of confidence in the predicted outcomes and the resilience of the environment to cope with the predicted impacts.
- The analysis should also make linkages between different areas of assessment where necessary to enable a full assessment of environmental impacts e.g. assessment of impacts on air quality will often need to draw on the analysis of traffic, health, social, soil and/or ecological systems impacts; etc.
- The assessment needs to consider impacts at all phases of the project cycle including: construction, routine operation, start-up operations and upset operations.
- The level of assessment should be commensurate with the risk to the environment.

Describe management and mitigation measures

- Describe any mitigation measures and management options proposed to prevent, control, abate or mitigate identified environmental impacts associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
- Proponents are expected to implement a 'reasonable level of performance' to minimise environmental impacts. The proponent must indicate how the proposal meets reasonable levels of performance. For example, reference technology based criteria if available, or identify good practice for this type of activity or development. A 'reasonable level of performance' involves adopting and implementing technology and management practices to achieve certain pollutant emissions levels in economically viable operations. Technology-based criteria evolve gradually over time as technologies and practices change.



- Use environmental impacts as key criteria in selecting between alternative sites, designs and technologies, and to avoid options having the highest environmental impacts.
- Outline any proposed approach (such as an Environmental Management Plan) that will demonstrate how commitments made in the EIS will be implemented. Areas that should be described include:
 - a) operational procedures to manage environmental impacts
 - b) monitoring procedures
 - c) training programs
 - d) community consultation
 - e) complaint mechanisms including site contacts
 - f) strategies to use monitoring information to improve performance
 - g) strategies to achieve acceptable environmental impacts and to respond in event of exceedences.

2. Air

Describe baseline conditions

- Provide a description of existing air quality and meteorology, using existing information and site representative ambient monitoring data.

Assess impacts

Identify all pollutants of concern and estimate emissions by quantity (and size for particles), source and discharge point.

- Estimate the resulting ground level concentrations of all pollutants. Where necessary (e.g. potentially significant impacts and complex terrain effects), use an appropriate dispersion model to estimate ambient pollutant concentrations. Discuss choice of model and parameters with the EPA.
- Describe the effects and significance of pollutant concentration on the environment, human health, amenity and regional ambient air quality standards or goals.
- Describe the contribution that the development will make to regional and global pollution, particularly in sensitive locations.
- For potentially odorous emissions provide the emission rates in terms of odour units (determined by techniques compatible with EPA procedures). Use sampling and analysis techniques for individual or complex odours and for point or diffuse sources, as appropriate.

Note: With dust and odour, it may be possible to use data from existing similar activities to generate emission rates.

- Reference should be made to *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (DEC, 2016); *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (DEC, 2007); *Assessment and Management of Odour from Stationary Sources in NSW* (DEC, 2006); *Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW* (DEC,



2006); *Load Calculation Protocol for use by holders of NSW Environment Protection Licences when calculating Assessable Pollutant Loads* (DECC, 2009).

Describe management and mitigation measures

- Outline specifications of pollution control equipment (including manufacturer's performance guarantees where available) and management protocols for both point and fugitive emissions. Where possible, this should include cleaner production processes.

3. Noise and vibration

Any sensitive receivers neighbouring the proposed site could be subject to unacceptable noise impacts if not managed appropriately. A Noise Impact Assessment (NIA) for the proposal must be conducted by an appropriately qualified acoustics consultant. The NIA must be conducted in accordance with the State Government's *Noise Policy for Industry* and address the potential impacts of the operations.

Describe baseline conditions

- Determine the existing background (LA90) and ambient (LAeq) noise levels, as relevant, in accordance with the *NSW Noise Policy for Industry*.
- Determine the existing road traffic noise levels in accordance with the *NSW Road Noise Policy*, where road traffic noise impacts may occur.
- The noise impact assessment report should provide details of all monitoring of existing ambient noise levels including:
 - a) details of equipment used for the measurements
 - b) a brief description of where the equipment was positioned
 - c) a statement justifying the choice of monitoring site(s), including the procedure used to choose the site(s), having regards to Fact Sheets A and B of the *NSW Noise Policy for Industry*.
 - d) details of the exact location of the monitoring site and a description of land uses in surrounding areas
 - e) a description of the dominant and background noise sources at the site
 - f) day, evening and night assessment background levels for each day of the monitoring period
 - g) the final Rating Background Level (RBL) value
 - h) graphs of the measured noise levels for each day should be provided
 - i) a record of periods of affected data (due to adverse weather and extraneous noise), methods used to exclude invalid data and a statement indicating the need for any re-monitoring.

Assess impacts

- Determine the project noise trigger levels for the site. For each identified potentially affected receiver, this should include:
 - a) determination of the project intrusive noise level for each identified potentially affected receiver



- b) selection and justification of the appropriate amenity category for each identified potentially affected receiver
- c) determination of the project amenity noise level for each receiver
- d) determination of the appropriate maximum noise level event assessment (sleep disturbance) trigger level.
- Maximum noise levels during night-time period (10pm-7am) should be assessed to analyse possible affects on sleep. Determine expected noise level and noise character likely to be generated from noise sources during:
 - a) site establishment
 - b) construction
 - c) operational phases
 - d) transport including traffic noise generated by the proposal
 - e) other services.

Note: The noise impact assessment report should include noise source data for each source in 1/1 or 1/3 octave band frequencies including methods for references used to determine noise source levels. Noise source levels and characteristics can be sourced from direct measurement of similar activities or from literature (if full references are provided).

- Determine the noise levels likely to be received at the reasonably most affected location(s) (these may vary for different activities at each phase of the development).
- The noise impact assessment report should include:
 - a) a plan showing the assumed location of each noise source for each prediction scenario
 - b) a list of the number and type of noise sources used in each prediction scenario to simulate all potential significant operating conditions on the site
 - c) any assumptions made in the predictions in terms of source heights, directivity effects, shielding from topography, buildings or barriers, etc
 - d) methods used to predict noise impacts including identification of any noise models used.
 - e) the weather conditions considered for the noise predictions
 - f) the predicted noise impacts from each noise source as well as the combined noise level for each prediction scenario
 - g) for developments where a significant level of noise impact is likely to occur, noise contours for the key prediction scenarios should be derived
 - h) an assessment of the need to include modification factors as detailed in Fact Sheet C of the *NSW Noise Policy for Industry*.
- Discuss the findings from the predictive modelling and, where relevant noise criteria have not been met, recommend additional feasible and reasonable mitigation measures.
- The noise impact assessment report should include details of any mitigation proposed including the attenuation that will be achieved and the revised noise impact predictions following mitigation.
- Where relevant noise/vibration levels cannot be met after application of all feasible and reasonable mitigation measures the residual level of noise impact needs to be quantified by identifying:
 - a) locations where the noise level exceeds the criteria and extent of exceedence

- b) numbers of people (or areas) affected
 - c) times when the criteria will be exceeded
 - d) likely impact on activities (speech, sleep, relaxation, listening, etc)
 - e) change in ambient conditions
 - f) the result of any community consultation or negotiated agreement
- For the assessment of existing and future traffic noise, details of data for the road should be included such as assumed traffic volume; percentage heavy vehicles by time of day; and details of the calculation process. These details should be consistent with any traffic study carried out in the EIS.

Describe management and mitigation measures

- Determine the most appropriate noise mitigation measures and expected noise reduction including both noise controls and management of impacts for both construction and operational noise. This will include selecting quiet equipment and construction methods, noise barriers or acoustic screens, location of stockpiles, temporary offices, compounds and vehicle routes, scheduling of activities, etc.
- For traffic noise impacts, provide a description of the ameliorative measures considered (if required), reasons for inclusion or exclusion, and procedures for calculation of noise levels including ameliorative measures. Also include, where necessary, a discussion of any potential problems associated with the proposed ameliorative measures, such as overshadowing effects from barriers. Appropriate ameliorative measures may include:
 - a) use of alternative transportation modes, alternative routes, or other methods of avoiding the new road usage
 - b) control of traffic (eg: limiting times of access or speed limitations)
 - c) resurfacing of the road using a quiet surface
 - d) use of (additional) noise barriers or bunds
 - e) treatment of the façade to reduce internal noise levels buildings where the night-time criteria is a major concern
 - f) more stringent limits for noise emission from vehicles (i.e. using specially designed 'quite' trucks and/or trucks to use air bag suspension
 - g) driver education
 - h) appropriate truck routes
 - i) limit usage of exhaust brakes
 - j) use of premium mufflers on trucks
 - k) reducing speed limits for trucks
 - l) ongoing community liaison and monitoring of complaints
 - m) phasing in the increased road use.

4. Water

Describe baseline conditions

- Describe existing surface and groundwater quality – an assessment needs to be undertaken for any water resource likely to be affected by the proposal and for all conditions (e.g. a wet weather sampling program is needed if runoff events may cause impacts).

Note: Methods of sampling and analysis need to conform with an accepted standard (e.g. Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC 2004) or be approved and analyses undertaken by accredited laboratories).

Provide site drainage details and surface runoff yield.

- State the ambient Water Quality and River Flow Objectives for the receiving waters. These refer to the community's agreed environmental values and human uses endorsed by the Government as goals for the ambient waters. These environmental values are published on the website: <http://www.environment.nsw.gov.au/ieo/index.htm>. The EIS should state the environmental values listed for the catchment and waterway type relevant to your proposal. NB: A consolidated and approved list of environmental values are not available for groundwater resources. Where groundwater may be affected the EIS should identify appropriate groundwater environmental values and justify the choice.
- State the indicators and associated trigger values or criteria for the identified environmental values. This information should be sourced from the ANZECC 2000 *Guidelines for Fresh and Marine Water Quality* (<http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html>) (Note that, as at 2004, the NSW Water Quality Objectives booklets and website contain technical criteria derived from the 1992 version of the ANZECC Guidelines. The Water Quality Objectives remain as Government Policy, reflecting the community's environmental values and long-term goals, but the technical criteria are replaced by the more recent ANZECC 2000 Guidelines). NB: While specific guidelines for groundwater are not available, the ANZECC 2000 Guidelines endorse the application of the trigger values and decision trees as a tool to assess risk to environmental values in groundwater.
- State any locally specific objectives, criteria or targets, which have been endorsed by the government e.g. the Healthy Rivers Commission Inquiries or the NSW Salinity Strategy (DLWC, 2000) (<http://www.environment.nsw.gov.au/salinity/government/nswstrategy.htm>).
- Where site specific studies are proposed to revise the trigger values supporting the ambient Water Quality and River Flow Objectives, and the results are to be used for regulatory purposes (e.g. to assess whether a licensed discharge impacts on water quality objectives), then prior agreement from the EPA on the approach and study design must be obtained.
- Describe the state of the receiving waters and relate this to the relevant Water Quality and River Flow Objectives (i.e. are Water Quality and River Flow Objectives being achieved?). Proponents are generally only expected to source available data and information. However, proponents of large or high risk developments may be required to collect some ambient water quality / river flow / groundwater data to enable a suitable level of impact assessment. Issues to include in the description of the receiving waters could include:
 - lake or estuary flushing characteristics
 - specific human uses (e.g. exact location of drinking water offtake)
 - sensitive ecosystems or species conservation values



- d) a description of the condition of the local catchment e.g. erosion levels, soils, vegetation cover, etc
- e) an outline of baseline groundwater information, including, but not restricted to, depth to watertable, flow direction and gradient, groundwater quality, reliance on groundwater by surrounding users and by the environment
- f) historic river flow data where available for the catchment.

Assess impacts

- No proposal should breach clause 120 of the *Protection of the Environment Operations Act 1997* (i.e. pollution of waters is prohibited unless undertaken in accordance with relevant regulations).
- Identify and estimate the quantity of all pollutants that may be introduced into the water cycle by source and discharge point including residual discharges after mitigation measures are implemented.
- Include a rationale, along with relevant calculations, supporting the prediction of the discharges.
- Describe the effects and significance of any pollutant loads on the receiving environment. This should include impacts of residual discharges through modelling, monitoring or both, depending on the scale of the proposal. Determine changes to hydrology (including drainage patterns, surface runoff yield, flow regimes, wetland hydrologic regimes and groundwater).
- Describe water quality impacts resulting from changes to hydrologic flow regimes (such as nutrient enrichment or turbidity resulting from changes in frequency and magnitude of stream flow).
- Identify any potential impacts on quality or quantity of groundwater describing their source.
- Identify potential impacts associated with geomorphological activities with potential to increase surface water and sediment runoff or to reduce surface runoff and sediment transport. Also consider possible impacts such as bed lowering, bank lowering, instream siltation, floodplain erosion and floodplain siltation.
- Identify impacts associated with the disturbance of acid sulfate soils and potential acid sulfate soils.
- Containment of spills and leaks shall be in accordance with EPA's guidelines section 'Bundling and Spill Management' at <http://www.epa.nsw.gov.au/mao/bundingspill.htm> and the most recent versions of the Australian Standards referred to in the Guidelines. Containment should be designed for no-discharge.
- The significance of the impacts listed above should be predicted. When doing this it is important to predict the ambient water quality and river flow outcomes associated with the proposal and to demonstrate whether these are acceptable in terms of achieving protection of the Water Quality and River Flow Objectives. In particular the following questions should be answered:
 - a) will the proposal protect Water Quality and River Flow Objectives where they are currently achieved in the ambient waters; and
 - b) will the proposal contribute towards the achievement of Water Quality and River Flow Objectives over time, where they are not currently achieved in the ambient waters.
- Consult with the EPA as soon as possible if a mixing zone is proposed (a mixing zone could exist where effluent is discharged into a receiving water body, where the quality of the water being discharged does not immediately meet water quality objectives. The mixing zone could result in dilution, assimilation and decay of the effluent to allow water quality objectives to be met further downstream, at the edge of the mixing zone). The EPA will advise the proponent under what conditions a mixing zone will and will not be acceptable, as well as the information and modelling requirements for assessment.

Note: *The assessment of water quality impacts needs to be undertaken in a total catchment management context to provide a wide perspective on development impacts, in particular cumulative impacts.*

- Where a licensed discharge is proposed, provide the rationale as to why it cannot be avoided through application of a reasonable level of performance, using available technology, management practice and industry guidelines.
- Where a licensed discharge is proposed, provide the rationale as to why it represents the best environmental outcome and what measures can be taken to reduce its environmental impact.
- Reference should be made to *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004), *Guidelines for Fresh and Marine Water Quality* ANZECC 2000), *Environmental Guidelines: Use of effluent by Irrigation* (DEC, 2004).

Describe management and mitigation measures

- Outline stormwater management to control pollutants at the source and contain them within the site. Also describe measures for maintaining and monitoring any stormwater controls.
- Outline erosion and sediment control measures directed at minimising disturbance of land, minimising water flow through the site and filtering, trapping or detaining sediment. Also include measures to maintain and monitor controls as well as rehabilitation strategies.
- Describe waste water treatment measures that are appropriate to the type and volume of waste water and are based on a hierarchy of avoiding generation of waste water; capturing all contaminated water (including stormwater) on the site; reusing/recycling waste water; and treating any unavoidable discharge from the site to meet specified water quality requirements.
- Outline pollution control measures relating to storage of materials, possibility of accidental spills (e.g. preparation of contingency plans), appropriate disposal methods, and generation of leachate.
- Describe hydrological impact mitigation measures including:
 - a) site selection (avoiding sites prone to flooding and waterlogging, actively eroding or affected by deposition)
 - b) minimising runoff
 - c) minimising reductions or modifications to flow regimes
 - d) avoiding modifications to groundwater.
- Describe groundwater impact mitigation measures including:
 - a) site selection
 - b) retention of native vegetation and revegetation
 - c) artificial recharge
 - d) providing surface storages with impervious linings
 - e) monitoring program.
- Describe geomorphological impact mitigation measures including:
 - a) site selection

- b) erosion and sediment controls
- c) minimising instream works
- d) treating existing accelerated erosion and deposition
- e) monitoring program.
- Any proposed monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (DEC 2004).

5. Soils and contamination

Describe baseline conditions

- Provide any details (in addition to those provided in the location description - Section C) that are needed to describe the existing situation in terms of soil types and properties and soil contamination.

Assess impacts

- Identify any likely impacts resulting from the construction or operation of the proposal, including the likelihood of:
 - a) disturbing any existing contaminated soil
 - b) contamination of soil by operation of the activity
 - c) subsidence or instability
 - d) soil erosion
 - e) disturbing acid sulfate or potential acid sulfate soils.
- Reference should be made to *Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011); *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* (EPA, 2015).

Describe management and mitigation measures

- Describe and assess the effectiveness or adequacy of any soil management and mitigation measures during construction and operation of the proposal including:
 - a) erosion and sediment control measures
 - b) proposals for site remediation – see *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land* (Department of Urban Affairs and Planning and Environment Protection Authority, 1998)
 - c) proposals for the management of these soils – see *Acid Sulfate Soil Manual* (Acid Sulfate Soil Advisory Committee 1998) and *Acid Sulfate Soils Assessment Guidelines* (Acid Sulfate Soil Advisory Committee 1998).

6. Waste and chemicals

Describe baseline conditions

- Describe any existing waste or chemicals operations related to the proposal.

Assess impacts

- Assess the adequacy of proposed measures to minimise natural resource consumption and minimise impacts from the handling, transporting, storage, processing and reprocessing of waste and/or chemicals.
- Reference should be made to: the EPA's *Waste Classification Guidelines 2014 (as in force from time to time)*

Describe management and mitigation measures

- Outline measures to minimise the consumption of natural resources.
- Outline measures to avoid the generation of waste and promote the re-use and recycling and reprocessing of any waste.
- Outline measures to support any approved regional or industry waste plans.

7. Cumulative impacts

- Identify the extent that the receiving environment is already stressed by existing development and background levels of emissions to which this proposal will contribute.
- Assess the impact of the proposal against the long term air, noise and water quality objectives for the area or region.
- Identify infrastructure requirements flowing from the proposal (e.g. water and sewerage services, transport infrastructure upgrades).
- Assess likely impacts from such additional infrastructure and measures reasonably available to the proponent to contain such requirements or mitigate their impacts (e.g. travel demand management strategies).

F. List of approvals and licences

- Identify all approvals and licences required under environment protection legislation including details of all scheduled activities, types of ancillary activities and types of discharges (to air, land, water).

G. Compilation of mitigation measures

- Outline how the proposal and its environmental protection measures would be implemented and managed in an integrated manner so as to demonstrate that the proposal is capable of complying with statutory obligations under EPA licences or approvals (e.g. outline of an environmental management plan).
- The mitigation strategy should include the environmental management and cleaner production principles which would be followed when planning, designing, establishing and operating the proposal. It should include two sections, one setting out the program for managing the proposal and the other outlining the monitoring program with a feedback loop to the management program.

H. Justification for the Proposal

- Reasons should be included which justify undertaking the proposal in the manner proposed, having regard to the potential environmental impacts.

ATTACHMENT B: GUIDANCE MATERIAL

Title	Web address
Relevant Legislation	
<i>Contaminated Land Management Act 1997</i>	http://www.legislation.nsw.gov.au/#/view/act/1997/140
<i>Environmentally Hazardous Chemicals Act 1985</i>	http://www.legislation.nsw.gov.au/#/view/act/1985/14
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/#/view/act/1979/203
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/#/view/act/1997/156
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/#/view/act/2000/92
Licensing	
Guide to Licensing	www.epa.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
Air Quality	
Approved methods for modelling and assessment of air pollutants in NSW (2016)	http://www.epa.nsw.gov.au/air/appmethods.htm
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/#/view/regulation/2010/428
Noise and Vibration	
NSW Noise Policy for Industry	http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)
Interim Construction Noise Guideline (DECC, 2009)	http://www.epa.nsw.gov.au/noise/constructnoise.htm
Assessing Vibration: a technical guideline (DEC, 2006)	http://www.epa.nsw.gov.au/noise/vibrationguide.htm
	http://www.epa.nsw.gov.au/your-environment/noise/transport-noise
NSW Road Noise Policy (DECCW, 2011)	
NSW Rail Infrastructure Noise Guideline (EPA, 2013)	http://www.epa.nsw.gov.au/your-environment/noise/transport-noise
Human Health Risk Assessment	

Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards (enHealth, 2012)	http://www.eh.org.au/documents/item/916
Waste, Chemicals and Hazardous Materials and Radiation	
Waste	
Environmental Guidelines: Solid Waste Landfills (EPA, 2016)	http://www.epa.nsw.gov.au/waste/landfill-sites.htm
Draft Environmental Guidelines - Industrial Waste Landfilling (April 1998)	http://www.epa.nsw.gov.au/resources/waste/envguidlns/industrialfill.pdf
EPA's Waste Classification Guidelines 2014	http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm
Resource recovery orders and exemptions	http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm
European Unions Waste Incineration Directive 2000	http://ec.europa.eu/environment/archives/air/stationary/wid/legislation.htm
EPA's Energy from Waste Policy Statement	http://www.epa.nsw.gov.au/wastestrategy/energy-from-waste.htm
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	http://www.epa.nsw.gov.au/wastestrategy/warr.htm
Chemicals subject to Chemical Control Orders	
Chemical Control Orders (regulated through the EHC Act)	http://www.epa.nsw.gov.au/pesticides/CCOs.htm
National Protocol - Approval/Licensing of Trials of Technologies for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
National Protocol for Approval/Licensing of Commercial Scale Facilities for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
Water and Soils	
Acid sulphate soils	
Coastal acid sulfate soils guidance material	http://www.environment.nsw.gov.au/acidsulfatesoil/ and http://www.epa.nsw.gov.au/mao/acidsulfatesoils.htm
Acid Sulfate Soils Planning Maps	http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm
Contaminated Sites Assessment and Remediation	
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	http://www.epa.nsw.gov.au/clm/planning.htm

Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	http://www.epa.nsw.gov.au/resources/clm/20110650consultantsgline.pdf
Guidelines for the NSW Site Auditor Scheme - 2nd edition (DEC, 2006)	http://www.epa.nsw.gov.au/resources/clm/auditorglines06121.pdf
Sampling Design Guidelines (EPA, 1995)	http://www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf
National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	http://www.scew.gov.au/nepms/assessment-site-contamination
Soils – general	
Managing land and soil	http://www.environment.nsw.gov.au/soils/landandsoil.htm
Managing urban stormwater for the protection of soils	http://www.environment.nsw.gov.au/stormwater/publications.htm
Landslide risk management guidelines	http://australiangeomechanics.org/admin/wp-content/uploads/2010/11/LRM2000-Concepts.pdf
Site Investigations for Urban Salinity (DLWC, 2002)	http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf
Local Government Salinity Initiative Booklets	http://www.environment.nsw.gov.au/salinity/solutions/urban.htm
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html
Applying Goals for Ambient Water Quality Guidance for Operations Officers - Mixing Zones	Contact the EPA on 131555
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf

HERITAGE NSW – Aboriginal Cultural Heritage - SEARs

Project Name: Northern Rivers Brewery

SSD/I #: SSD-24147749

1. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the [Code of Practice for Archaeological Investigation in NSW](#) (DECCW 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (OEH 2011).
2. Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
3. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
4. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.
5. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
6. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

NOTE: The process described in the *Due Diligence Code of Practice for the protection of Aboriginal objects in NSW* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.



22 July 2021

File No: NTH21/00162/01

Your Ref: SSD-24147749

The Director
Department of Planning, Industry and Environment

Attention: Thomas Bertwistle

Dear Sir / Madam,

**RE: Secretary's Environmental Assessment Requirements for Northern River Brewery
Lot 516 DP 1132400; 34-38 Honeyeater Circuit, South Murwillumbah.**

I refer to your email of 13 July 2021 requesting input from Transport for NSW to the Secretary's Environmental Assessment Requirements (SEARs) for the abovementioned development proposal.

Roles and Responsibilities

Our key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.

Honeyeater Circuit, Lundberg Drive and Quarry Road are public (local) roads and Tweed Shire Council is the Roads Authority in accordance with Section 7 of the *Roads Act 1993*. Council is responsible for setting standards and determining priorities on Local and Regional Roads. TfNSW has an interest in road user safety and the safe operation of the road network generally.

In accordance with Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), TfNSW is given the opportunity to review and provide comment on the subject development application as it meets the requirements under Schedule 3.

It is emphasised that the following comments are based on the limited information provided within the supporting *Scoping Report*, they are not to be interpreted as binding upon TfNSW and further comment will be provided following formal review of a development application referred by the appropriate Consent Authority.

Transport for NSW Response

TfNSW requests that a Traffic Impact Assessment (TIA) be prepared by suitably qualified person/s in accordance with the *Austroads Guide to Traffic Management Part 12*, the complementary *TfNSW Supplement* and *RTA Guide to Traffic Generating Developments*. The TIA should include, but not necessarily be limited to, an assessment of the considerations outlined in **Attachment A**.

TfNSW highlights that in determining the application under the *Environmental Planning and Assessment Act 1979*, it is the Consent Authority's responsibility to consider the environmental impacts of any roadworks which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of project approval.

If you have any further enquiries regarding the above comments please do not hesitate to contact Leisa Sedger, Development Services Case Officer or the undersigned on (02) 6640 1362 or via email at: development.northern@transport.nsw.gov.au

Yours faithfully,



for Matt Adams
Team Leader, Development Services
Community and Place | Region North
Regional & Outer Metropolitan
Transport for NSW

Enc. ATTACHMENT A - Requested TIA consideration for SEAR

ATTACHMENT A - Traffic Impact Assessment – Requested considerations for SEAR

For context, this attachment must be read with TfNSW letter of 22 July 2021, references NTH21/00162/01 and SSD-24147749.

Traffic Impact Assessment (TIA) be prepared by suitably qualified person/s in accordance with the *Austroads Guide to Traffic Management Part 12*, the complementary *TfNSW Supplement* and *RTA Guide to Traffic Generating Developments*.

The TIA is to identify the impacts of the development and the proposed on-site and off-site measures proposed to mitigate the impacts of the development on any road or rail related infrastructure. The TIA must explain and justify all inputs informing the proposed mitigation measures and conclusions.

The TIA should be tailored to the scope of the proposed development and include, but not necessarily be limited to, consideration of the following;

- A map of the surrounding road network identifying traffic flows, the site access, nearby accesses, intersections and transport related facilities.
- The total impact of existing and proposed development traffic on the road network with consideration for a 10 year horizon. This should include;
 - Identify Annual Average Daily Traffic (AADT) volumes with percentage heavy vehicles along the transport route/s and diagrammatically demonstrate AM and PM peak hour movements at key intersections (Tweed Valley Way and Quarry Road).
 - Background traffic data from published sources and/or recent survey data. The source of data and any assumptions are to be clearly explained and justified, including the growth rate applied to the future horizon. Due to the impact of COVID-19 on travel patterns, traffic counts undertaken at this time may not be representative of normal volumes. Alternative approaches to understanding the impact of COVID-19 on traffic patterns should be discussed with TfNSW.
 - The volume and distribution of existing and proposed trips to be generated by the construction, operational and decommission phases of the development. This should identify the maximum daily and hourly demands generated by the development, particularly where they coincide with the network peak hour.
 - Details of all traffic types and volumes likely to be generated during construction and operation of the development site.
- Details of the road geometry and alignment along the identified transport route/s, including existing formations, crossings, intersection treatments and any identified hazards. This should include;
 - Available sight distances at the site access and key intersections along the transport route/s and any constraint to achieving the required sight distance for the posted speed limit.
 - An assessment of turn treatment warrants in accordance with the *Austroads Guide to Traffic Management Part 6* and *Austroads Guide to Road Design Part 4A* for intersections along the identified transport route/s, identifying the existence of the minimum basic turn treatments and addressing the need for any warranted higher order treatment/s.

- Swept path analysis demonstrating the largest design vehicle entering and leaving the development, and moving in each direction through intersections along the proposed transport route/s.
- Capacity analysis using SIDRA or other relevant application (file to be provided), to identify an acceptable Level of Service (LOS) at intersections with the classified (Regional) road/s, and where relevant, analysis of any other intersections along the proposed transport route/s.
- A review of crash data along the identified transport route/s for the most recent 5 year reporting period and an assessment of road safety along the proposed transport route/s considering the safe systems principles adopted under *Future Transport 2056*.
- Site plan demonstrating site access, internal manoeuvring, servicing and parking areas consistent with the relevant parts of AS2890 and Council requirements.
- Strategic (2D) design drawings of all proposed road works and the site access demonstrating scope, estimated cost and constructability of works required to mitigate the impacts of the development on road safety, traffic efficiency and the integrity of transport infrastructure. Works must be appropriately designed for the existing posted speed limit.
- Details of measures to address impacts and/or provide connections for public transport services and active transport modes, such as, public and school bus services, walking and cycling.
- Details of any Traffic Management Plan (TMP) proposed to address the construction, operation and decommission phases of the proposed development. The TMP may include temporary measures such a Traffic Guidance Scheme (TGS) prepared and implemented by suitably qualified persons in accordance with the current *Traffic Control at Work Sites Manual*. It is recommended that any TMP adopt a Driver Code of Conduct (DCoC), including but not necessarily limited to, the following;
 - A map of the primary transport route/s highlighting critical locations.
 - An induction process for vehicle operators and regular toolbox meetings.
 - Procedures for travel through residential areas, school zones and/or bus route/s.
 - A complaint resolution and disciplinary procedure.
 - Community consultation measures proposed for peak periods.
 - Work, health and safety requirements under the *Work Health and Safety Regulation 2017*.

Where road safety concerns are identified at a specific location along the proposed haulage routes, TfNSW suggests that the TIA be supported by a targeted Road Safety Audit undertaken by suitably qualified persons in accordance with the Austroads Guidelines.

Any roadwork on classified (State/Regional) road/s is to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and [TfNSW Supplements](#).

The developer will be required to enter into a Works Authorisation Deed (WAD) with TfNSW for any roadwork deemed necessary on the classified (State) road. The developer will be responsible for all costs associated with the roadwork and administration for the WAD. It is recommended that developers familiarise themselves with the requirements of the WAD process. Further information can be obtained from the TfNSW [website](#).

FRNSW have reviewed the EIS Northern Rivers Brewery and make the following recommendations:

Should a fire or hazardous material incident occur, it is important that first responders have ready access to information which enables effective hazard control measures to be quickly implemented. Without limiting the scope of the emergency response plan (ERP), the following matters are recommended to be addressed:

1. That a comprehensive ERP is developed for the site.
2. That the ERP specifically addresses foreseeable on-site and off-site fire events and other emergency incidents, (e.g. fires involving solar panel arrays, bushfires in the immediate vicinity or potential hazmat incidents).
3. That the ERP detail the appropriate risk control measures that would need to be implemented in order to safely mitigate potential risks to the health and safety of firefighters and other first responders (including electrical hazards). Such measures would include the level of personal protective clothing required to be worn, the minimum level of respiratory protection required, decontamination procedures, minimum evacuation zone distances and a safe method of shutting down and isolating the photovoltaic system (either in its entirety or partially, as determined by risk assessment).
4. Other risk control measures that may need to be implemented in a fire emergency due to any unique hazards specific to the site should also be included in the ERP.
5. That two copies of the ERP (detailed in recommendation 1 above) are stored in a prominent 'Emergency Information Cabinet' which is located in a position directly adjacent to the site's main entry point/s.
6. Consideration should be given to the installation of carbon dioxide extinguishing system within the silos at the premises that complies with Australian Standard AS6183-2011.

Once constructed and prior to operation, that the operator of the facility contacts the relevant local emergency management committee (LEMC). The LEMC is a committee established by virtue of Section 28 of the State Emergency and Rescue Management Act 1989. LEMCs are required to be established so that emergency services organisations and other government agencies can proactively develop comprehensive inter agency local emergency procedures for significant hazardous sites within their particular local government area. The contact details of members of the LEMC can be obtained from the relevant local council.