

STATEMENT OF ENVIRONMENTAL EFFECT

LOCATION

UNIT: 4	NUMBER: 137	STREET: Coreen Avenue	
SUBURB: Penrith	STATE: NSW	POSTCODE: 2750	SP: N/A

APPLICANT DETAILS

NAME: MJ HEWETT MT LYONS (Company)	
POSTAL ADDRESS: [REDACTED]	
PHONE NUMBER: [REDACTED]	MOBILE: [REDACTED]
EMAIL: [REDACTED]	ACN: [REDACTED]

DESCRIPTION OF PROPOSAL

Rusty Penny Brewing is a current business operating in Penrith Council Area since 2018, currently situated at DA compiled IN1 premise 5/4 Dean Place Penrith NSW 2750 (DA16/0956). Rusty Penny Brewing is a small niche business within the Penrith Business landscape, which produces Craft beverages for wholesale, takeaway sale and consumption on site. The business has grown organically over the past two years, and is currently an active member of Penrith Producers and Penrith Proud. Rusty Penny is looking to expand its manufacturing capabilities to continue to grow organically, while still assisting with local tourism and local employment opportunities.

Additional staffing will be employed to cater for the growing business. This will make available local manufacturing and hospitality jobs, both full time and casual. These job types cater for a large variety of personal circumstances for persons in the local Penrith area.

The aforementioned property relating to this application is zoned IN1 for General Industrial Use. Consent is sought for the property to be used for Micro Brewery/Distillery Operations and Barbecue smokehouse operations. This usage is permissible with consent.

The proposed development will utilise the unit for the purposes of Brewing Beer, Distilling spirits, manufacturing and distribution, including associated training, There is also provision for a small portion of the unit for retail sale of products produced onsite as takeaway sales.

This application is lodged pursuant to the Penrith Environmental Plan 2010, the use of this premises falls under 'light industries' under the provisions of the 'artesian food and drink industry'. Micro Brewery/Distillery Operations and Barbecue smokehouse operations are considered artesian food and drink industries.

Artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Barbecue smokehouse operations will be utilized to provide a 'restaurant or cafe' as indicated above. The premise will also have facilities to hold tastings, tours and workshops as well as the aforementioned small retail area. Owner has consented for the use of the space directly in front of the proposed unit to be used for outdoor seating. This area is approximately 15m x 6m (90m²) that will be surrounded by temporary cafe fencing when in use as a seating area. This area is to provide options for patrons who in the current climate may not wish to sit in an inside environment.

The industrial unit complex located at 4/137 Coreen Avenue in Penrith is situated on a 10,057m² approximate parcel of land. Unit four is a 1440m² industrial unit of concrete wall and floor construction with a metal roof inclusive of forty car spaces directly in front of the unit and eight car spaces behind the unit.



This premises most recently was used as a manufacturing facility for the Nepean Hospital Development. This development does not require any demolition or external construction to take place at the site. Building works to be completed include; construction of a brewery area and Upgrading of Entry Doors to glass doors . According to the National Construction Code of Australia under the provisions for required sanitary facility requirements for a restaurant, this premises can house 275 persons. Existing amenities consist of;

- 1 x Disabled Facility (25persons)
- 2 x Female toilet pans (50 Persons)
- 1 x male toilet pan (100 persons)
- 1 x double standing urinal (100 persons)

At the time of construction all fixtures will be upgraded to comply with the current fire safety requirements..

The maximum yearly beer and spirit production is 115,000L (approx) of finished product. In relation to patrons, we request DA approval for the maximum persons allowed at the site (275) for future organic growth. A significant portion of the business at this site will be wholesale and take-away sales. These patrons would not stay for extended periods of time.

In relation to noise the attendance at peak of 275 patrons should not generate any greater noise than that of manufacturing facilities around us.

PLANNING REQUIREMENTS

Designated Development

This development is considered a Designated Development under the Environmental Planning and Assessment Regulations, as the premises is within five hundred meters of the closest residential zone being Thornton Estate and other nearby residential areas. Please find attached a copy of assessment by a suitability qualified Environmental Consultant indicated that this development at its highest will not affect the amenity of the residential zone by way of noise, odour or Traffic.

General

Hours of operation at the proposed site is 24hrs daily. Below is a breakdown of the hours intended for retail sales and on premise consumption in line with NSW liquor and gaming standard hours. However, as this site is a manufacturing facility it will be required to operate at times 24hrs daily to meet the required deadline for production. The hours of operation for retail sales and on premise consumption will in the case be governed by the hours permitted on the liquor license attached to the location.

RETAIL SALES

DAY	OPEN	CLOSE
MONDAY	6AM	MIDNIGHT
TUESDAY	6AM	MIDNIGHT
WEDNESDAY	6AM	MIDNIGHT
THURSDAY	6AM	MIDNIGHT
FRIDAY	6AM	MIDNIGHT
SATURDAY	6AM	MIDNIGHT
SUNDAY	10AM	10PM

CONSUMPTION ON PREMISE

DAY	OPEN	CLOSE
MONDAY	6AM	MIDNIGHT
TUESDAY	6AM	MIDNIGHT
WEDNESDAY	6AM	MIDNIGHT
THURSDAY	6AM	MIDNIGHT
FRIDAY	6AM	MIDNIGHT
SATURDAY	6AM	MIDNIGHT
SUNDAY	10AM	10PM

PUBLIC HOLIDAYS ETC

Hours of operation will be in compliance with NSW Liquor and Gaming requirements.

As per liquor and gaming NSW website please find below the standard operating hours for the license type (wholesale Producer). We will also be applying for a Microbrewery and small distillery authorisation on our liquor license.

Standard hours (NSW LIQUOR AND GAMING WEBSITE)

A producer may sell their licensee's product to other licensees and to employees of the licensee, or a related corporation of the licensee, at any time.

Tastings of their licensee's product can be conducted at any time, except where a 6-hour closure period applies.

Consumption on premises liquor trading hours:

- 5.00am to 12.00am from Monday to Saturday
- 10.00 am to 10.00pm on Sunday

Retail take-away sales of their licensee's product can be made to the public during the following hours:

- 5.00am to 12.00am from Monday to Saturday
- 10.00am to 11.00pm on Sunday

Daily 6-hour closure period

A 6-hour closure period applies to all liquor licences.

We intend on being closed from 12am till 6am each day

Micro-breweries and small distilleries authorisation

The Government has introduced a special drink on premises authorisation for small scale producers of beer, cider and spirits.

For eligible micro-breweries and small distilleries with the authorisation, it means you can sell your own products to the public for consumption on your premises in full serves, not just as tastings. The authorisation also allows wine produced elsewhere to be sold for consumption on-site. Conditions apply, including a patron limit of 120 and making sure food is available.

Artisan food and drink industry

With reference to Clause 5.4 of the Penrith Local Environmental Plan 2010. The designated retail area will not exceed 360m², which is within the requirements. This area only includes the space as indicated by the attached diagram for retail sales, and does not include the areas marked for manufacturing, storage or restaurant/cafe.

Manufacturing Process

Beer/Spirit

Wort/wash is produced by mashing grain (barley) in water before it is brought to a boil and hops are added. This process is completed in a stainless steel brewhouse. The wort is then cooled and pumped to Stainless Steel Fermenters where yeast is introduced and the wort is fermented to become beer. This finished product can be distilled to make other alcoholic drinks such as whisky, gin or vodka. Other products can also be used with this process such as hand sanitizer.

Barbecue Operations

A smoker Barbecue will be used to cook artisan “small batch” “handmade” barbecue food for consumption on site and for take-away. The Barbecue smoker will be operated by a highly trained craftsman that will ensure that only a clean burning fire will be used through proper fire management.

Parking Spaces

The premise has several car spaces allocated. The businesses contained within the unit complex are not considered high vehicle traffic business'. A study has been conducted over a seven day period with a count of vacant spaces done four times a day. It was established that during regular business hours on average there were consistently twenty seven free parking spaces available. Outside of regular business hours on average there were consistently more than twenty free parking spaces available.

Signage

Approval is sought to affix business signs depicting the business names and logos on the wall of the tenanted unit. The previous business signage at the location has been removed.

Site Suitability

The proposed site is currently occupied by a number of different businesses for industrial/retail purposes. As far as the applicant is aware the location is not flood or bush fire prone land and is not subjected to soil erosion or land slippage.

Access and Traffic

The location has suitable driveway access that allows for vehicles to enter and exit simultaneously, with adequate space within the car park for effective vehicle manoeuvrability.

Social and economic Effects

This development will have a positive effect on the locality as it will provide a social meeting place, as well as boost tourism and employment in the Penrith Local Government Area.

ENVIRONMENTAL MANAGEMENT REQUIREMENTS

Noise, Odour and Traffic

As indicated in the subsection for designated development. Please find attached a copy of assessment by a suitably qualified Environmental Consultant indicating that this development at its highest will not affect the amenity of the residential zone by way of noise, odour, smoke or Traffic.

In relation to noise emissions the only significant noise would be running the barley mill, this however is negated as the mill will be located inside a closed room.

Processing and Storage of Raw Materials

The raw materials used in the brewing process are grain (Barley), hops, water and yeast.

- Grain is delivered in 25kg sacks and stored in a cool dry place. Spent grain will be disposed of according to the waste management plan as below.
- Hops are stored frozen and spent hops are disposed with the spent grain
- Yeast is purchased in sealed vials. Yeast is not technically disposed of as it remains in the final product.

Quantities of raw materials stored on average at any one time;

Product	Quantity
Grain	2 Tonne
Hops	50kg
Yeast	20L

Cleaning Processes and Chemicals

All equipment used is stainless steel. The cleaning of this equipment is completed with a Clean In Place (CIP) system where chemicals are pumped through a spray ball inside the vessels. Chemicals used are Per Acidic Acid for Sanitisation and Caustic Soda for cleaning. These chemicals are stored in containers that they are supplied in.

Specifications of Equipment Installed at the Premises

2 x 20 foot refrigerated shipping container
4 x 1200L Stainless Steel Fermentation Vessels
4 x 400L Stainless Steel Fermentation Vessels
1 x 200L Stainless Steel Fermentation Vessels
1 x 400L Brewery
1 x 2 Roller Barley Mill
1 x Waste Water Treatment System
1 x Keg Washing Unit
1 x 200L still
1 x 20 foot container kitchens

As per previous development application. There is no data available from the manufacturer of the mill that we use (Han-yu) This mill is intended to be used in residential areas. We are able to use this mill due to the small scale of our brewery.

Environmental Management

Through this development the only environmental impact is through food solids and wastewater outside of the acceptable PH range entering the sewer. To prevent this the brew house and all fermenters will be within a bunded area. As described by the Environmental Protection Agency (EPA) we will use a bund that will contain and/or direct and spillage to a blind tank. That tank will be greater in size than the largest tank contained within the bund. The bund will be of concrete construction coated in epoxy, Strip drains in the floor will direct any wash down to the water treatment system before entering the sewer. Grates will catch large solids that can be disposed of through discussed waste management. The water treatment system that will automatically test and adjust the PH of the waste water as it is sent to the sewer through a flow meter. All industrial waste will be managed through a Sydney Water Trade Waste Agreement.

Waste Management

As mentioned above all sewer trade waste will be dealt with under a Sydney Water Trade Waste Agreement.

We were intending on disposing of the solid grain waste from the mashing process to local farmers and agricultural schools. We currently have a working relationship through our previous brewery operation, where all our grain waste was collected by a local Agricultural School. This agreement will continue at this location. We have been in contact with the waste exemption department of the Environmental Protection Authority. The information provided was that this form of waste disposal for the food solid product was allowed and no further application is required. A contingency for this if disposal of the spent grain is removal by Sydney Waste Services pty ltd who specialise in waste removal from food industries.

Please find an email attached from Shane Ryan, an Operation Officer from the EPA's Waste Strategy and Innovation department. As indicated in that response there is no issue on behalf of the EPA in us disposing of spent grain to local farmers. We have several farmers happy to take the free feed for their livestock. We will not in any case exceed the limits as indicated by the EPA due to our small scale.

Waste that is generated during the fit out will be disposed of by 'DIY dingo and Bins' a local skip bin business. Ongoing operational waste (General waste) will be disposed of in our onsite industrial bin that is regularly emptied by 'J.J.Richards and Sons Pty Ltd'.

The largest quantity of spent grain to be stored at any one time is 250kg. This will be stored in airtight drums for pre organized collection by local farmers. This will eliminate the issue of odor and attraction of vermin.

The total maximum quantity of grain to be stored at the location at any one time is two tonne. This grain will be stored off the ground in original packaging from the manufacturer. Once open all grain is stored in airtight drums.

We have contracted 'Western Pest Control', a local pest control business, regarding regular pest inspections as well as maintenance.

Please find attached all Material Safety Data Sheets for chemicals intended to be stored at the location. The quantities of these chemicals are;

- Sodium Hydroxide – 5kg
- Phosphoric Acid – 5L
- Propylene Glycol – 4L
- Sodium Percarbonate - 5kg

The only hazardous material stored at the location is Sodium Hydroxide (caustic). This is covered under the above MSDS.

Flora and Fauna

This development will not affect the flora or fauna at the location as all construction or changes are internal only.

BUILDING REQUIREMENTS

This development does not require any external construction to take place. All construction will be contained within the industrial unit itself. All works will comply with the Australian Building Code (BCA)

Construction of the Brewery Area

As indicated in the floor plan a brewery area is to be constructed at the rear of the premises. The floor will be screened so that grates can be installed for cleaning and directing waste water into the water treatment system. The area will be coated with a non slip epoxy. This area will have a bunded area to hold any spills (Sydney water has requested the bund be 110% of our largest tank). The brewhouse is fitting with a condenser, all steam created during the brewing process will be condensed to water that will be used for cleaning the brew area or disposed of under the aforementioned trade waste agreement.

Construction of the Barbecue Smoking Area

As indicated in the attached floor plan the Barbecue smoke area and container kitchen will be located in the right hand side of the premise. The kitchen will be plumbed into a grease

trap in the floor that will separate the grease from other waste before it is pumped via a macerator pump to the sewer. All stored grease will be removed by a mobile grease pumping contractor.

Upgrading the Existing Amenities

Sufficient amenities will comply with the disabled Access Act requirements. Existing amenities currently comply with the Act and will allow for expected patronage at peak times. All facilities will comply with the food authority requirements, either having an exhaust fan to two step door.

Streetscape and Design

Approval has been received to extend the seating area into the space directly in front of the entry to the brewery. Please see attached diagram. Barriers will be used to protect patrons from any mishaps with traffic as the area is closed in proximity to the carpark. Please see attached streetscape diagram, including proposed signage. All utilities are currently at the premises.

Privacy Views and overshadowing

This application will not affect neighbouring industrial buildings. All external areas will be screened by plants or fences and being on ground level will not cause any overshadowing issues.