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**Director Codes, Planning and Assessment**  
**Department of Infrastructure, Planning and Environment**  
**Submitted Online**

19 November 2021

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**Re: Draft Fun SEPP**

Thank you for the opportunity to provide a submission. We understand and support the intent of the Draft Fun SEPP to help our hospitality venues recover from the impact of Covid-19, however we have significant concerns that this has not been balanced with sustainable wastewater treatment practices that protect amenity, the environment, and, in our context, the nationally significant Murray River.

In regional areas, under Section 68 of the *Local Government Act 1993*, a person wishing to discharge tradewaste must first obtain council's approval (refer Section 2.1, of the Department of Planning, Industry and Environment, Liquid Trade Waste Management (LTWM) Guidelines. Albury's wastewater treatment system planning conditions and environmentally sustainable practices prevent discharge of sewage/tradewaste into the Murray River.

The proposed changes are seeking to provide a Complying Development pathway for artisan food and drink premises provided the use meets the criteria of the development standards (p.14) of the Exhibition of Intended Effect, Draft Fun SEPP. Which states the following,

*The production function will remain the main purpose at the site. The development standards would see:*

- *a maximum retail floor area 30% of gross floor area, or 500 m2, or any limit in the LEP, whichever is lesser*
- *maximum of 100 patrons at any restaurant or café*
- *trading hours for food and drink premises and retail sales from 6 am to 10 pm while allowing 24-hour operations (for baking, brewing, fermenting and so on). This does not over-ride other laws, for example liquor licence conditions*
- *premises must comply with Australian Standard 4674-2004 Design, construction and fit-out of food premises and the requirements contained in the Noise Policy for Industry 2017*

An artisan food and drink premises trading 24 hours can generate a significant amount of tradewaste. To manufacture beer every 1 litre of beer produced, consumes 7 litres of water and discharges 5 litres of tradewaste to the sewer system. For example, to produce 30,000 litres of beer over 1 month (assumption of 20 production days), 210,000 litres of fresh water is consumed (52,500 litres per week) and 150,000 litres discharged to sewer (37,500 litres per week). Classification B of the LTWM Guidelines 2021 (See p.104) a microbrewery (artisan food and drink premises) maximum daily discharge is limited to 5,000 litres per day/10,000 litres per week.

Few artisan food and drink premises, particularly microbreweries, will operate or remain viable with discharges capped at 5,000 litres per day/10,000 litres per week. As such, there are current compliance issues with the regulation of tradewaste approvals as their business grows. Further to this, many do not require additional floorspace to scale up their production beyond Classification B.

Production that exceeds discharge of 5,000 litres per day/10,000 litres per week are defined in the LTWM guidelines as a Classification C premises. This requires concurrence with DPIE, water utilities and the installation of an on-site tradewaste treatment facility. Should a CDC be approved without consideration of tradewaste requirements, the retrofitting of an on-site tradewaste treatment facility may not be buildable on the site, create substantial off-site odour (carbon production), unacceptable amenity issues on any nearby uses/dwellings, and present a significant cost to the proponent. The current development application process provides opportunity to raise and resolve issues with the applicant, flag the Classification C concurrence requirements an odour impacts and impose suitable conditions of consent on the parent consent that restricting the operations of the land use and which require a Section 4.55 modification to amend in future.

For these reasons, we recommend this pathway be removed from the draft Fun SEPP or at a minimum the development standards are updated to include the following or similar:

- Premises must comply with the liquid tradewaste requirements of the relevant water authority or Council/local water utility.

All the relevant information that is contingent for an approval of the use to operate should be provided upfront to assist a proponent with the appropriate site selection for the type of land use and ensure Council's resources and the city's wastewater treatment infrastructure will not be unnecessarily burdened.

DPIE is rolling out a number of new SEPPs and reforms, including the employment zone reform. It is noted that these significant and concurrent changes pose considerable challenges in Council assessing the potential impact of this and other draft SEPPs.



Albury City

We appreciate your consideration on these matters. If you require any further information, please do not hesitate to contact [REDACTED] or via [REDACTED]

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