

Guideline for regulatory requirements for a distillery and/or bond store

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Alchymia Distillery
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Disclaimer

Please note this information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the relevant legislation listed in Appendix 6.

You should check and ensure the information in this guideline is still current before relying on it. This includes websites and their information.

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Cover image:
Furneaux Distillery
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Introduction

Tasmanian whisky and spirits production has undergone enormous growth over the last 30 years, from a small number of sole operators to over 100 distilleries of all sizes and in all locations across Tasmania.

The industry profile varies from large distillers with large-scale operations and storage of volumes of product, to small operators with minimal storage. The industry is reported to be worth over \$500 million in turnover, making it a significant contributor to the economy.

The distillery industry is expected to continue to grow.

Industry regulation

There are many regulators within Tasmania and nationally that focus on different aspects of whisky and spirit production. Regardless of the scale of operations, there are regulatory requirements to ensure the sustainability and safety of the distillery industry, its workers and consumers.

While the industry is governed by Australian standards and codes, many Tasmanian authorities have regulatory oversight.

About the industry working group

In 2023, Tasmania's Attorney-General supported requests from the Tasmanian Whisky and Spirits Association to create an inter-departmental/agency working group to support the distillery industry. The working group is led by WorkSafe Tasmania and includes representatives from:

- the Australian Institute of Building Surveyors (Tasmania Chapter)
- Consumer, Building and Occupational Services
- the Department of Health
- the Local Government Association of Tasmania
- the Tasmania Fire Service
- the Tasmanian Whisky and Spirits Association
- WorkSafe Tasmania.

This working group has produced the 'Guideline for regulatory requirements for distillery and/or bond store' (this Guideline) to:

- help current and potential/new operators in the industry maintain a compliant and safe industry
- provide consistency and appropriateness that has been lacking, where it has authority to do so.

About the guideline

This Guideline is aimed at current and potential/new operators, employers and business owners in Tasmania's distillery industry. It sets out the current regulatory environment and provides guidance on how to meet requirements for building and operating a distillery and/or bond store. This Guideline will:

- encourage consistency in interpretation and compliance with relevant legislation
- assist regulators in maintaining consistency across Tasmania
- provide practical guidance to current and new distillers when setting up a new business or expanding an existing business.

At the very least, potential/new operators will be able to see up front what is required before embarking on the complex and costly process of establishing a distillery and/or bond store.

This Guideline is set out as follows:

- Part A details the regulatory requirements that you need to consider if you are designing and building a distillery and/or bond store.
- Part B provides guidance on how you can ensure ongoing compliance and safety of operations.
- Appendices provide more detailed and specific information on matters covered in Part A and Part B.

Regulatory bodies and stakeholders

Listed below is a summary of the main regulatory bodies and stakeholders that you can expect to encounter when building and operating a distillery and/or bond store. Some of these are covered in more detail in Appendix 1.

Australian Taxation Office (ATO)

The ATO regulates the collection of alcohol excise duties and issues licences to:

- manufacture alcohol
- manufacture and own stills.

Building Surveyors

A Building Surveyor is essential to your project. They:

- have the skills, experience and qualifications to determine design compliance and construction conformity with technical and legislative requirements
- are responsible for referring to other authorities for issuing the required statutory certification, undertaking mandatory inspections throughout various stages of the project, and issuing the relevant occupancy and completion documentation once your project is at its final stages.

The Building Surveyor has statutory responsibilities under the *Building Act 2016* and ensures that all work complies with the National Construction Code, standards, and Director's Determinations. The Building Surveyor must satisfy themselves that the proposed/completed building work is in compliance with the *Building Act 2016* and the National Construction Code.

Consumer, Building and Occupational Services (CBOS)

CBOS is part of the Department of Justice. As the Tasmanian building and consumer regulator, CBOS works towards a fair, just and safe Tasmania through the delivery of equitable, efficient and effective consumer, building and occupational regulation.

CBOS:

- advises and educates consumers, tenants, businesses and landlords on their rights and responsibilities and changes to the law
- reviews and advises the Tasmanian Government on consumer legislation and industry codes
- advises and educates consumers and people in the building industry about Tasmania's building legislation and national standards
- registers and licenses businesses and occupations
- conciliates disputes between consumers and traders, tenants and landlords, and consumer and building practitioners
- enforces and ensures compliance with consumer laws, building laws and gas and electricity safety standards.

Department of Health

The Department of Health oversees the *Food Act 2003*, *Public Health Act 1997*, and associated legislation.

Environmental Health Officers (EHO) employed by local councils are appointed under these Acts and carry out regulatory functions.

Department of Treasury and Finance

Tasmania's liquor industry is regulated by the independent Commissioner for Licensing. The Commissioner receives administrative support from the Liquor and Gaming Branch of the Department of Treasury and Finance.

The Liquor and Gaming Branch:

- issues licences and permits for the sale of alcohol
- undertakes inspections of premises
- ensures compliance
- provides policy advice.

Environmental Protection Authority

The Environment Protection Authority is the primary environmental management and pollution control regulatory body in Tasmania.

It administers the *Environmental Management and Pollution Control Act 1994*, which is relevant to the distillery industry. This is the primary environmental protection and pollution control law in Tasmania. It focuses on preventing, reducing and remediating environmental harm.

Local government

Local councils are the reporting and record-keeping authorities that approve and oversee development projects within their municipal area. Local council departments that review proposed developments include planning, development, engineering, building, plumbing, and environmental health departments.

TasNetworks

TasNetworks owns, operates and maintains the electricity transmission and distribution network in Tasmania. It delivers a safe, cost effective and reliable electricity supply to more than 295,000 residential, commercial and industrial customers.

Tasmania Fire Service (TFS)

The TFS is Tasmania's peak advisor for fire safety and our key fire suppression authority. Its Community Fire Safety Division has specialist units that provide technical support and community education for fire safety and for regulatory compliance.

Tasmanian Whisky and Spirits Association (TWSA)

The TWSA represents the majority of distillers and distilleries in Tasmania (over 95% of all spirit production). Together with the Australian Distillers Association, the TWSA continues to pursue a practical and suitable regulatory framework to govern Tasmania's distillery industry.

TasWater

TasWater is Tasmania's water authority. Connections to reticulated water supplies and waste disposal systems in TasWater-serviced areas need to be provided to meet health and safety requirements, in addition to requirements for distilling and other processes.

TechSafe

TechSafe is contracted to the Department of Justice to provide electrical safety inspection services. These include onsite physical inspections of electrical work and electrical installations, and attending incidents of shocks and fires caused by electricity.

Electrical inspectors employed by TechSafe are authorised to enter premises for the purposes of inspections and to issue statutory notices requiring rectification.

WorkSafe Tasmania

WorkSafe Tasmania is part of the Department of Justice. It administers the laws that cover work health and safety, workers and asbestos compensation, and workplace relations, including the *Work Health and Safety Act 2012*. WorkSafe Tasmania:

- promotes safer and healthier workplaces and practices through practical guidance and education
- investigates workplace incidents
- audits workplaces for compliance with legislation.

WorkSafe Tasmania has offices in Burnie, Launceston and Rosny.

Definitions

Distillery

A distillery houses stills that use heat, evaporation and condensation to concentrate alcohol (spirits) from fermented beverages such as beer, wine and wash.

A distillery may include the equipment required to brew such fermented beverages, and may also include attached or physically separated spaces for the storage or ageing of these spirits and for their bottling and labelling.

Distillery operations

Distillery operations include:



bulk storage of grain for the production of whisky, other fermentable substrates such as fruit, sugar or molasses for the production of spirits such as gin, rum and vodka, and neutral alcohol, sometimes used for the production of white spirits such as gin and vodka



brewing–milling grain, mashing and fermenting



distilling–wash runs and spirit runs in pot stills, continuous runs in column stills



ageing whisky in wooden casks



storing other finished spirits, such as gin or vodka



post-production activities (that may or may not occur at the site), including bottling, packaging, storing the finished product, and sales and distribution



operating a cellar door, with customer access and tours



serving food.

Part A: Design and building requirements for a distillery and/or bond store

Finding the right site

This section explains the requirements for:

- a vacant site
- an existing building
- modifying an existing distillery.

Whether you are purchasing a vacant site with the intention of building your own facility or are proposing to modify or expand an existing building, you need to determine if the site is suitable for the development and use of a distillery and/or bond store. It is essential that you make these checks before development and financial commitments and engaging building services providers, as the outcome may impact your proposal. You can get this information from the local council's planning department.

Things to ask the council about include, but are not limited to:

- the process to apply for a planning permit from the council, including interaction with TasWater
- the process to seek a building permit from the council, including the need to engage a private Building Surveyor
- Tasmanian Planning Scheme zones
- Tasmanian Planning Scheme code overlays, which may trigger specific planning and building requirements in relation to the following –
 - bushfire hazard area
 - flood prone hazard area
 - coastal erosion hazard area
 - coastal inundation hazard area
 - potentially contaminated land
 - landslip areas
 - heritage places and precincts
- covenants and caveats on the Certificate of Title, where originally imposed by the council. Other covenants and caveats may have been imposed privately, in which case a solicitor may need to be consulted
- easements (for example, drainage and electrical)
- stormwater requirements
- onsite wastewater treatment requirements (for land not serviced by a TasWater reticulated sewer system)
- food preparation requirements, if proposing to offer food at a cellar door.

Most Tasmanian councils are now part of the Tasmanian Planning Scheme. Through the PlanBuild Tasmania website at planbuild.tas.gov.au, you can make development related enquiries about specific properties.

Zones under the Tasmanian Planning Scheme

The following table lists the zones under the Tasmanian Planning Scheme and sets out whether a distillery (which may include a bond store on a separate site) is classified as Permitted, Discretionary or Prohibited.

Zone	Use status	Brief comments
General Industrial	Permitted	
Rural	Permitted	
Agricultural	Discretionary	Must support an agricultural use and minimise impact on agricultural land.
Central Business	Discretionary	Must not cause unreasonable loss of amenity to adjacent residential zones.
Commercial	Discretionary	Must not cause unreasonable loss of amenity to adjacent residential zones.
Environmental Management	Discretionary	Must respect ecological and other values.
General Business	Discretionary	Must not cause unreasonable loss of amenity to adjacent residential zones.
Light Industrial	Discretionary	Must not cause unreasonable loss of amenity to adjacent residential zones.
Local Business	Discretionary	Must not cause unreasonable loss of amenity to adjacent residential zones.
Major Tourism	Discretionary	Must not cause unreasonable loss of amenity to adjacent residential zones.
Rural Living	Discretionary	Must not cause unreasonable loss of amenity to adjacent residential uses.
Urban Mixed Use	Discretionary	Must not cause unreasonable loss of amenity to adjacent residential zones.
Village	Discretionary	Must be compatible with the village character and not cause unreasonable loss of amenity to nearby residential uses.
Community Purpose	Prohibited	
Future Urban	Prohibited	
General Residential	Prohibited	
Inner Residential	Prohibited	
Landscape Conservation	Prohibited	
Low Density Residential	Prohibited	
Open Space	Prohibited	
Ports and Marine	Prohibited	
Recreation	Prohibited	
Utilities	Prohibited	

The above table is correct at June 2024 and is from the Tasmanian Planning Provisions, Version 7, 26 June 2024. You can find the most current version of this at tpso.planning.tas.gov.au/tpso/external/tasmanian-planning-scheme

Notes

- The Tasmanian Planning Scheme includes distillery within the Resource Processing use class.
- Use and development are treated as separate matters under the planning legislation. Therefore, changing the use of an existing building is likely to need a planning permit even though no development (that is, new buildings) may be involved.
- A planning permit for a Permitted use must be applied for, and the local council must approve it, but may apply conditions.
- A planning permit for a Discretionary use must be applied for, the application will be publicly advertised for comment, and it may or may not be approved.
- A planning permit for a Prohibited use cannot be applied for. The use is not allowed.
- For a proposal to retain its Permitted use status, it must be indicated as this in the zone's Use Table and must not trigger any discretions in the Use or Development standards or in the codes. If it does, it will become a Discretionary application (codes address particular issues, such as bushfire, attenuation from sensitive use and natural assets, and are usually indicated through an overlay on the planning scheme maps).
- A very small distillery might fall within the definition of home occupation, which is exempt from the need for a planning permit. However, this would not necessarily mean the distillery is also exempt from the need for other permits, such as a building permit. You should discuss this possibility with the local council.

Building classes

The National Construction Code sets out the minimum technical requirements for new buildings (and new building work in existing buildings) in Australia. In doing so, it groups buildings by their use. These groups are assigned a classification of a number and in some cases a number followed by a letter, for example Class 1a (a single dwelling being a detached house or one of a group of attached dwellings being a townhouse, row house or the like).

The system of classifying buildings is for the purposes of prescribing particular requirements relevant or necessary for their intended use.

Building classes that may be relevant to distilleries include the following.

Building purpose	Building class
Office	Class 5 (office use)
Cafe/Restaurant	Class 6 (sale of goods)
Bond Store	Class 7b (storage)
Distillery	Class 8 (production)
Event Space	Class 9b

When considering an existing building for a proposed distillery, it is important to determine what its approved building class is. You may need to apply for a new building approval (notifiable or permit work) in order to change from one building class to the appropriate class for a distillery.

Not all existing buildings are suitable for a change of use to a distillery or bond store, even if their existing National Construction Code classification appears to be suitable. For example, a building that has approval as a Class 8 workshop may not be suitable for a Class 8 distillery.

Special fire premises such as distilleries and bond stores are subject to more stringent fire safety provisions. A change of use is more than just a change of the National Construction Code class, it is a change in the nature of the occupancy and the risks associated with that new occupancy.

It is vital that you get advice from a Building Surveyor about the suitability of a building prior to committing to it, otherwise you risk ongoing - and often costly - compliance issues.

Contact a Building Surveyor for assistance in reviewing the suitability of an existing building.

Licensed occupations

Most of the services that are used to undertake work that involves builders, plumbers, designers and engineers are regulated and require an occupational license to work. When using building services and professionals, check to ensure they are licensed to deliver the services you require.

You can also go to the CBOS website at cbos.tas.gov.au, where you can search for licensed occupations.

Overview of development phases

There are 4 phases of development.

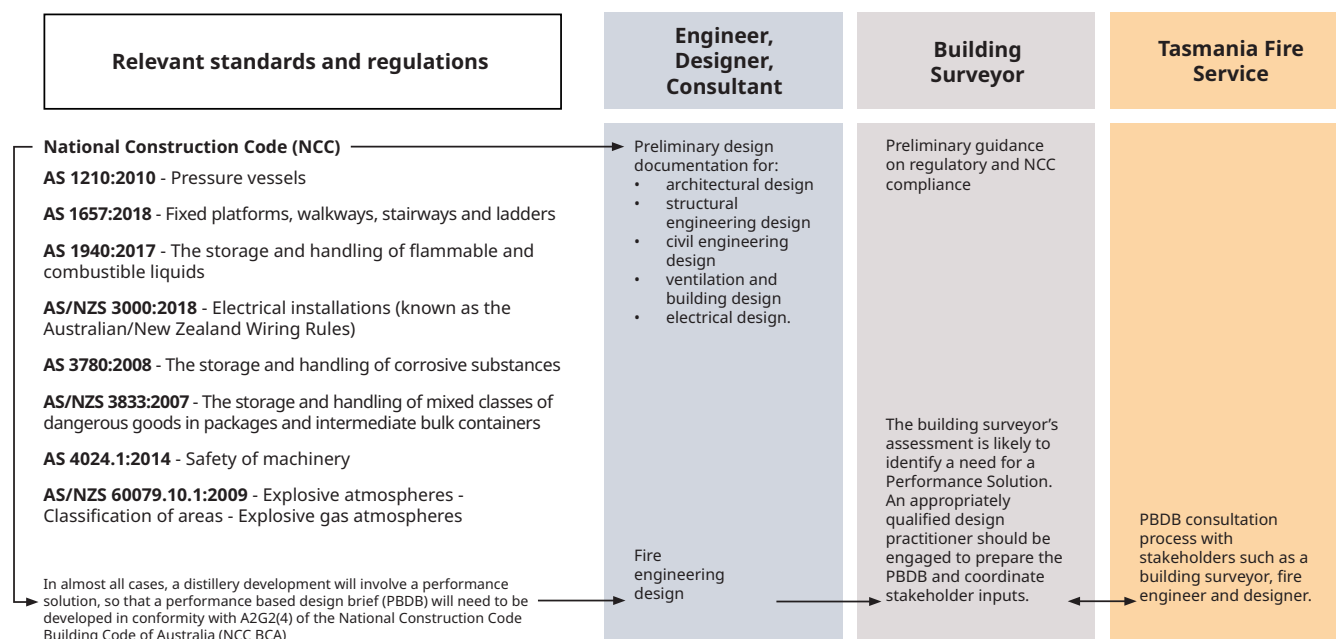
1. Design
2. Approvals (pre-construction)
3. Construction
4. Approvals (pre-operating)

1. Design

This section describes who is potentially involved in the design phase of the development, including engineers, architects, building designers and consultants. It also includes the regulatory standards they need to work with.

Almost all distillery and bond store developments will require a performance solution. Where this has been determined at the design phase, a fire engineer will need to be engaged. The fire engineer will develop a performance based design brief.

The design phase should also include engaging a Building Surveyor to provide stakeholder input during the development of the performance based design brief as the authority having jurisdiction. The design phase may also include discussions with the TFS.



2. Approvals (pre-construction)

To proceed with the development of a distillery and/or bond store, you may require the following approvals. (More detail is provided in Appendix 1).

From the Australian Taxation Office:

- approval for the purchase of a still and the manufacture of alcohol.

From the Building Surveyor:

- a Certificate of Likely Compliance.

As part of the assessment for a Certificate of Likely Compliance, the Building Surveyor is required by legislation to refer specific building work to the following stakeholders to provide comment:

- the Chief Officer of the Tasmanian Fire Service
- the Environmental Health Officer of the local council
- the function control authority of the liquor licence authority.

As part of the assessment for a Certificate of Likely Compliance, the Building Surveyor may determine that the following is required to satisfy the requirements of the National Construction Code:

- a bushfire hazard assessment for bushfire prone areas
- an AS1940 compliance report, also known as a dangerous goods report
- a hazardous areas classification (AS/NZS 60079.10.1)
- a performance solution where the 'Deemed to Satisfy' requirements of the National Construction Code are not achieved.

From the local council:

- planning approval
- building approval (for permit work)
- plumbing approval (for Notifiable Plumbing Work or Permit Work)
- approval for water usage and waste disposal in un-serviced areas.

Depending on the circumstances of the development, you may also require approvals from:

- the Environmental Protection Agency, for impacts on the environment
- TasWater, for water usage and waste disposal in serviced areas
- TasWater, for a Certificate for Certifiable Work if required.

Depending on the estimated electricity consumption, you may need to consult with TasNetworks to ensure the site can be supplied with the required electricity connection.

Australian Taxation Office	Approval to purchase still and the manufacture of alcohol			
Relevant standards and regulations	Many distillery developments will involve a performance solution, so that a performance based design brief (PBDB) will need to be developed in conformity with A2G2(4) of the National Construction Code Building Code of Australia (NCC BCA). A competent design practitioner will need to be engaged. Tasmanian Planning Scheme C. 13 Bushfire-Prone Areas Code AS/NZS 60079.10.1:2009 - Explosive atmospheres - Classification of areas - Explosive gas atmospheres			
Engineer, Designer, Consultant	AS1940 compliance report (Dangerous goods report)	Fire engineering design/solution	Bushfire assessment	AS/NZS 60079.10.1 Hazardous area classification
Building Surveyor	Preliminary guidance on regulatory and NCC compliance	Notification of Control Authorities (if required) Director of Building Control, local council, Chief Officer of the Fire Service, electricity provider, gas provider, Commissioner of Licensing		Certificate of Likely Compliance
Local Government	Planning Development Application Assessment or Planning permit or Exemption	Building Building Notifiable Work or Building permit	Plumbing Plumbing Notifiable Work or Plumbing permit	Environmental health EHO Report (Form 49) Water usage and waste water disposal approval (if required for unserviced areas)
Tasmania Fire Service	Chief Officer's Report (including Fire Engineering Report if there is a performance solution)			
Environmental Protection Agency	EPA approval (if required)			
TasWater	DA Assessment (for water usage and waste water disposal if required in serviced areas)			
TasNetworks	Consolation to ensure electricity consumption can be supplied			
State Treasury	Notification			

3. Construction

During the construction phase of the development, the approved construction plans and documentation are used as a set of instructions to meet compliance with the National Construction Code and relevant Australian standards.

The Building Surveyor is required to undertake mandatory inspections. These inspections will be listed on the Certificate of Likely Compliance.

Following an inspection, the Building Surveyor will provide a Consent to Proceed notice.

The following approval and related documents from the Building Surveyor are required.

- Schedule of Maintenance
- Certificate of Final Inspection
- Certificate of Completion (for notifiable building works)
- Certificate of Completion (for any notifiable plumbing works).

Engineer, Designer, Consultant	'For construction' design documentation from consultants		
Building Surveyor	Mandatory Inspections (as per Certificate of Likely Compliance)	 Consent to Proceed Notice	Report requests: • Council for EHO • TFS for Chief Officer occupancy inspection • State licensing for inspection(s)
Tasmania Fire Service	Chief Officers Report (including Fire Engineering report if there is a performance solution)		
TasWater	TasWater certificate of certifiable works (if required)		

4. Occupancy (pre-operating)

Before starting operations, you will require the following approvals or documents. (More detail is provided in Appendix 1).

From the Australian Taxation Office:

- approval to manufacture alcohol.

From the Department of Treasury and Finance:

- a liquor licence if you intend to sell spirits at your distillery and/or bond store.

From the local council:

- Certificate of Completion of Plumbing Works
- Environmental Health Officer's Occupancy Report (provided to the Building Surveyor)
- Food business notification or registration (if serving other foods)
- Plumbing permit for onsite wastewater disposal (if not in an area serviced by a TasWater sewer).

From the Building Surveyor:

- inspection of the building/s
- Occupancy permit
- Schedule of Maintenance.

From the TFS:

- approved building fire evacuation plan
- approved bushfire emergency plan (if required)
- Chief Officer Occupancy Report (provided to the Building Surveyor).

To comply with work health and safety requirements, you will need:

- a manifest from the hazardous area classification
- a work health and safety emergency plan developed for the distillery and/or bond store.

Depending on the circumstances of the development, you may also require these approvals.

- TasWater (in serviced areas) requires a Certificate of Compliance if there were any certifiable works undertaken to its infrastructure.
- TechSafe requires a Certificate of Electrical Compliance from the electrical contractor for any electrical work done.
- If the electrical installation includes any electrical work within a classified hazardous zone (classified in accordance with AS/NZS 60079.10.1), the electrical contractor requires authorisation from a TechSafe electrical inspector to energise the electrical work (there is no charge for TechSafe's involvement).

Australian Taxation Office	Approval to manufacture alcohol			
Relevant standards and regulations	AS/NZS 3000:2018 - Electrical installations AS/NZS 60079.10.1:2009 - Explosive atmospheres - Classification of areas - Explosive gas atmospheres ↓			
Engineer, Designer, Consultant	Verification dossier • Design information • Installation records • Maintenance history • Classification changes			
Building Surveyor	Occupancy permit	Schedule of Maintenance (Form 46)	Certificate of Final Inspection	Certificate of Final Completion (Notifiable Building Work)
Local Government	Planning	Building Certificate of Completion (Building Work)	Plumbing Certificate of Completion (Plumbing Work) Plumbing Permit for on-site wastewater disposal (if required)	Environmental health Environmental Health Officer Occupancy Report (Form 50) Food business notification or registration
Tasmania Fire Service	Evacuation Plan	Approved Bushfire Emergency Plan	→ TFS inspection and Chief Officers Occupancy Report	
TasWater	TasWater Certificate of Compliance (if required)			
WorkSafe	WorkSafe Hazardous Materials Manifest	WHS Emergency Plan		
TechSafe	Certificate of Electrical Compliance	→ Approval to energise		
State Treasury	Liquor Licence			

Hazardous areas assessments/Classification

Definition of a hazardous area

A hazardous area is an area in which an explosive atmosphere is present, or can be expected to be present, due to the presence of flammable vapour or gas in quantities such that special precautions are required for the construction, installation and use of equipment (AS/NZS 60079/10.1 and AS/NZS 1940). Explosive atmospheres may also be due to the presence of significant combustible dust atmospheres (for example, airborne flour or grain dust). However, these are less likely to present in small scale distilleries so have not been covered in this Guideline.

Hazardous areas for explosive atmospheres from flammable gases or vapours in air are classified into 3 types based on the expected frequency (likelihood) and duration of the occurrence and presence of an explosive atmosphere.

The following table shows the zone, the definition of each, and an example scenario in a distillery operation.

Zone	Definition	Example
Gases and vapours		
Zone 0	Area in which an explosive gas-air mixture is continuously present or present for long periods.	Inside a tank, vat, vessel, reticulated system containing flammable ethanol solution of 24.5% concentration or more.
Zone 1	Area in which an explosive gas-air mixture is likely to occur for short periods in normal operation.	Area around and above where concentrated ethanol is being transferred from one vessel to another within a spill containment compound.
Zone 2	Area in which an explosive gas-air mixture is not likely to occur, and if it occurs it will only exist for a very short time due to an abnormal condition.	Storage area (such as whisky bond store) where flammable solutions of ethanol are stored in vessels such as drums, barrels, tanks and intermediate bulk containers that are not ordinarily opened but may be due to unintentional rupture of a vessel.
Dust		
Zone 20	Area in which an explosive dust-air mixture is continuously present or present for long periods.	Inside a roll mill while in operation. An explosive dust cloud is expected for short periods under normal operation.
Zone 21	Combustible or conductive dusts are present and are likely to occur for short periods in normal operations.	Area around and above roll mill discharge conveyor while in operation. Grist has a higher dust content and an explosive dust cloud is expected to occur occasionally in normal operation.
Zone 22	Area in which an explosive dust mixture is not likely to occur, and if it occurs it will only exist for a very short time due to an abnormal condition.	Storage and delivery areas for grain (such as malt storage silo, malt intake delivery, malt discharge conveyor and grain weigh hopper). Whole malt has low dust content and flammable dust cloud is not expected during normal operation.

Source: AS/NZS 60079.10.1 'Terms and Definitions'

To ensure the protection of buildings and the safety of the occupants, a suitably competent person should be engaged to assess the facility and its expected contents. This assessment will determine if hazardous area zoning is required.

Hazardous area classification objectives

Hazardous area classification is a method of analysing and classifying the environment where explosive atmospheres may occur. This ensures the proper and safe selection, installation and operation of equipment in that environment. It also takes into account the ignition characteristics of the flammable liquid, gas, vapour and dust, such as ignition energy and ignition temperature.

Hazardous area classification has 2 main objectives: the determination of the type of the zone and the extent of the zone.

A hazardous area classification will assess:

- the risk of fire and explosion in and around installations and plant involving flammable liquids, vapours and gases
- zones where explosive atmospheres are expected to exist, determining the size and ignition characteristics of the atmospheres
- the minimum level of ignition source protection required for equipment to be installed within a hazardous area to control the risk of a fire or explosion.

The purpose of a hazardous area classification is to reduce the chance of an explosive/flammable atmosphere contacting an ignition source.

Who can conduct hazardous area assessments

Hazardous area assessments and subsequent classifications must be prepared by someone with the appropriate technical knowledge and relevant skills to make the necessary assessments of the safety aspect under consideration.

The level of competence and instruction should be relevant to the role of the operations concerned.

Suitable people to prepare a hazardous area classification may include specialist hazardous area classification consultants, process engineers, dangerous goods consultants, and suitably experienced fire engineers.

It is the responsibility of the Building Surveyor to exercise due diligence in accepting someone as suitably qualified to prepare a hazardous area classification.

Part B: Requirements for operating a distillery and/or bond store

This section describes some of the key aspects of operating a distillery and/or bond store.

As an operator, you need to know and understand the ongoing obligations of your business operation. This section focuses only on some key areas of risk; you must conduct your own due diligence to ensure you identify and consider all other operating requirements.

Schedule of maintenance

When the Building Surveyor issues an occupancy permit for the distillery and/or bond store, they will issue a Form 46 Schedule of Maintenance – Prescribed Essential Building Services. This form will list features of the building/s that must have maintenance performed as prescribed. Many of the maintenance requirements will be consistent with relevant Australian standards.

It is recommended that as the premises owner/occupier, you discuss these requirements with the Building Surveyor, who can provide clear advice and guidance on the requirements. You are required to keep records consistent with Part 7 – Maintenance, in the Building Regulations 2016.

Emergency planning

Under work health and safety laws, you must have an emergency plan.

An emergency plan can control and reduce risks to health and safety and reduce damage to property in the event of an emergency. It tells workers and building occupants how to respond to an emergency. An emergency can be broad and may go beyond your premises, so you may need to consider neighbouring properties. Examples of possible emergencies include bushfires, chemical spills, bomb threats, vehicle collisions or medical emergencies.

Distilleries and bond stores are classed as ‘specified’ buildings under the General Fire Regulations 2021, Part 1, section 5(1)(n) special fire hazard premises within the meaning of the Building Regulations. Other ‘specified’ meanings could also apply, depending on the premises. All specified buildings must have a fire evacuation plan approved by the TFS. For information about written plans, go to [fire.tas.gov.au](https://www.fire.tas.gov.au).

The Australian Standard AS 1940–Storage and handling of flammable liquids raises specific considerations about planning for emergencies. Section 10 of the standard provides details of these. The emergency plan must address these considerations.

003 key access for emergency information

Information relating to a building’s fire safety systems and access to fire detection control and indicating equipment is secured by a lock, which is accessible by using a key known as a 003 key.

Fire protection contractors who install, service and maintain building fire safety systems have access to this information by using a 003 key.

Fire protection system installers

The installation, repair and routine servicing of fire protection systems is a regulated industry. Contractors are required to have a permit issued by the Fire and Emergency Services Commissioner of the TFS and an occupational licence issued by CBOS. This licensing ensures you are contracting a qualified and experienced contractor.

If your premises has or requires a fire safety system which is listed in Schedule 1 of the Building Regulations, it must be installed, serviced and maintained by a licensed and permitted fire protection contractor.

Manifest quantity workplace

A manifest of hazardous chemicals is required when the quantities of hazardous chemicals at your workplace exceed the amounts specified in Schedule 11 of the Work Health and Safety Regulations 2022. Where the total quantities of hazardous chemicals exceed the quantities specified in Schedule 11, requirements for a manifest can be found at Schedule 12 and placard requirements at Schedule 13 of the Work Health and Safety Regulations.

In Tasmania, a 'manifest quantity workplace' (MQW) is a workplace where hazardous chemical quantities (in this case, alcohol) exceed amounts listed in Schedule 11 of the Work Health and Safety Regulations requiring the Person Conducting a Business or Undertaking (the PCBU) to maintain a manifest and notify WorkSafe Tasmania.

The manifest quantities for alcohol are as follows:

- A liquid with an ethanol content up to 24% is not considered to be flammable and as such has no manifest quantity.
- A spirit with an ethanol concentration within the range from 24% to less than 70% has been determined to be a flammable liquid category 3 with a manifest quantity of 10,000 litres.
- Any spirit mix with an ethanol concentration which is 70% or greater has been assessed as a flammable liquid category 2, with a corresponding manifest quantity of 2,500 litres.

If this occurs at your distillery and/or bond store, your duties are the same as those at a hazardous chemical workplace. This means you must:

- maintain an up to date manifest of the hazardous chemicals onsite, for use by emergency services
- complete the [Notification of a Manifest Quantity Workplace \(MQW\) application form](#) and submit this to a Service Tasmania outlet along with a copy of your manifest. To access this form, go to [worksafe.tas.gov.au](https://www.worksafe.tas.gov.au) and search for 'MQW'.

You must also notify WorkSafe Tasmania using that form if:

- there is a change of PCBU or employer
- your quantity of Schedule 11 hazardous chemicals no longer exceeds MQW quantities
- there is a significant change to the risk of using, handling or storing Schedule 11 hazardous chemicals.

Placarding

Placards provide information for emergency personnel and first responders to any incident at your workplace about the potential hazards they may find. This includes the type, quantity and locations of the hazardous chemicals at your workplace.

You must ensure that a placard is prominently displayed if the total quantity of a Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals stored at your distillery and/or bond store exceeds the placard quantity for these chemicals listed in Schedule 11 of the Work Health and Safety Regulations.

The purpose of placards is to:

- alert emergency service personnel, workers, contractors and visitors to the presence of hazardous chemicals
- identify hazardous chemicals stored in bulk (including tanks)
- identify significant quantities of hazardous chemicals in packages
- identify the dangers of the hazardous chemicals in the workplace
- identify the required emergency actions for hazardous chemicals in bulk (including tanks).

They are an important part of an overall safety management strategy for any workplace that uses, stores and handles hazardous chemicals.

Appendix 5 has more details on using placards and other signage for hazardous/flammable chemicals.

Managing risks

Risks can present in many forms within any distillery operation. You need to systematically identify the risks at your distillery and/or bond store, and implement appropriate controls to control those risks. You should develop risk control plans for all high-risk activities at your operations.

Types of risks that may exist within distilleries and/or bond stores are:



compliance



fire



operational



work health and safety.

Compliance risks

Compliance risks vary depending on the nature of your operation, but regardless of the size of your operation, you should consider the following risks.



Licensing and permits. Distilleries and bond stores require licences and permits to operate legally. Not complying with licensing requirements can result in legal action, or being fined or shut down.



Taxation and reporting. Alcohol production is subject to stringent tax regulations, including excise duties. Accurate reporting and timely payment of taxes are critical to avoid penalties.



Labelling and marketing regulations. Compliance with labelling laws, including ingredient disclosure and health warnings, is mandatory. Marketing practices must adhere to local laws, particularly those targeting underage consumption.



Import/export regulations. For international operations, adherence to customs regulations, tariffs, and international trade agreements is necessary.

Controlling compliance risks

Controls you may consider when addressing compliance risks include, but are not limited to, the following.



Waste management. Dispose of waste products such as spent grains and wastewater (for example, pot ale and spent lees) properly to prevent environmental contamination. Non-compliance with waste management regulations can lead to hefty fines and environmental damage.



Emissions control. Control emissions from production processes to comply with air quality standards.



Water use. Manage water consumption and ensure sustainable practices to meet regulatory requirements and avoid depleting local water resources.



Regular audits and inspections. Conduct regular internal and external audits to help identify and correct any compliance issues.



Training and education. Provide ongoing training for workers on compliance requirements and best practices.



Compliance management systems. Implement robust compliance management systems to monitor and manage compliance obligations.



Engaging experts. Consult with legal, environmental and safety experts to stay updated on regulatory changes and ensure compliance.

Fire risks

Fire risks in distilleries and/or bond stores are significant due to the presence of flammable materials such as alcohol, raw ingredients and packaging materials. The consequences of a fire can be devastating, including loss of life, property damage, business interruption and regulatory repercussions.

Typical fire risks include, but are not limited to, the following.



Alcohol. Ethanol, the primary product in distilleries, is flammable. Storing and handling large quantities of alcohol pose a significant fire risk.



Raw ingredients. Grains, sugars and other raw materials used in distillation can be combustible.



Packaging materials. Cardboard, plastic and other packaging materials can easily catch fire and contribute to the spread of a blaze.



Distillation materials. The distillation process involves high temperatures which can increase the risk of fire.



Boilers and heating systems. Malfunctions or improper maintenance of boilers and heating systems can lead to overheating and potential fires.



Bond stores. Storage of finished products in bond stores involves large quantities of alcohol, which can fuel a fire.



Cask (barrel) storage. Wooden casks used for ageing spirits are flammable and can accelerate the spread of a fire.



Wiring and equipment. Faulty or outdated electrical wiring, overloaded circuits and malfunctioning equipment can spark fires.



Static electricity. The production environment can generate static electricity, which can ignite flammable vapours if not properly managed.



Human error. Mistakes such as improper handling of flammable materials, failure to follow safety protocols and smoking in prohibited areas can lead to fires.



Insufficient training. Lack of adequate training in fire safety and emergency procedures can increase the risk of fire incidents.



Arson. Deliberate acts of arson pose a significant threat to distilleries and bond stores.



Natural disasters. Events like lightning strikes can ignite fires, especially in facilities located in areas prone to such occurrences.

Controlling fire risks

Controls you may consider when controlling fire risks include, but are not limited to, the following.



Regulatory compliance. Adhere to all local, state and federal fire safety regulations and standards.



Safe storage. Store flammable materials in approved, fire-resistant containers and areas. Ensure proper ventilation to prevent the buildup of flammable vapours.



Equipment maintenance. Regularly inspect and maintain distillation equipment, boilers and heating systems to ensure safe operation.



Fire alarms. Install and maintain fire alarm systems to provide early warning of a fire.



Fire suppression systems. Use automatic fire suppression systems, such as sprinklers, to control and extinguish fires quickly.



Fire extinguishers. Ensure fire extinguishers are readily available and properly maintained, and workers are trained in their use.



Regular inspections. Conduct regular inspections and maintenance of electrical systems to identify and address potential fire hazards.



Grounding and bonding. Implement grounding and bonding measures to prevent static electricity build up.



Worker training. Provide comprehensive training on fire safety, including the proper handling of flammable materials and emergency response procedures.



Safety protocols. Develop and enforce strict safety protocols for all operations involving flammable materials and equipment.



Fire drills. Conduct regular fire drills to ensure worker are familiar with evacuation routes and procedures.



Emergency response plan. Develop and regularly update an emergency response plan, including clear roles and responsibilities for workers during a fire incident.



Fire-resistant materials. Use fire-resistant materials in the construction and design of the distillery and/or bond store.



Clear evacuation routes. Ensure evacuation routes are clearly marked, unobstructed and well-lit.



Adequate insurance. Obtain comprehensive insurance coverage to mitigate financial losses in the event of a fire.

It should be noted that the requirements for a firefighting water supply – where a reticulated supply is not available – come from a combination of the National Construction Code and AS 2419.1–2021 Fire hydrant installations, and AS 1940–2017 The storage and handling of flammable and combustible liquids.

Typically, a bond store, built of steel, containing 2,000 litres or less of spirit, will need to have 10,000 litres of standing water available for bushfire protection, and the appropriate number of fire extinguishers. If the bond store has more than 2,000 litres of spirit, then according to the National Construction Code and Australian standards, the bond store would need an additional 144,000 litres of water available to meet the requirements.

It should be noted that an assessment by a fire engineer may reduce the water requirements, and the size of the floor area of the building itself may have an impact on water requirements.

Operational risks

Operational risks are the risks of loss resulting from inadequate or failed internal processes, people or systems, or external events. Operational risks can have significant impacts on production, financial performance and compliance.

Typical operational risks include, but are not limited to, the following.



Product safety. Ensuring the final product is safe for consumption involves rigorous quality control and adherence to food safety standards and public health requirements. Methanol contamination poses the most significant risk when consumed in distilled products and controls must be implemented to mitigate this risk.



Anti-money laundering. You must implement measures to prevent money laundering activities, including thorough customer due diligence and reporting suspicious transactions.



Financial reporting. Accurate financial reporting and compliance with accounting standards are necessary to avoid legal and financial repercussions.



Record-keeping. Proper record-keeping and inventory management practices are essential to compliance with the ATO, and prevent loss, theft and discrepancies, which can attract regulatory scrutiny.



Supply chain compliance. Ensuring your suppliers and partners adhere to relevant laws and regulations is essential to maintain compliance throughout the supply chain.



Production disruptions. Interruptions in the production process due to equipment failure, supply chain disruptions or raw material shortages can halt operations and lead to significant financial losses.



Quality control issues. Failure to maintain consistent product quality can result in recalls, customer dissatisfaction and legal liabilities.



Inventory management. Ineffective inventory management can lead to stockouts, overstocking or wastage. This impacts profitability and compliance with regulatory requirements.



Human error. Mistakes made by workers in the production process, record keeping or compliance reporting can lead to operational inefficiencies and regulatory breaches.



Staff turnover. High turnover rates can lead to loss of expertise, increased training costs and operational disruptions.



IT system failures. Downtime or failures in IT systems (such as production management software, inventory systems or compliance tracking tools) can disrupt operations and lead to data loss.



Cybersecurity threats. Cyber attacks can compromise sensitive information, disrupt operations and lead to significant financial and reputational damage.



Data integrity. Inaccurate or corrupted data can impact decision-making, compliance reporting and operational efficiency.



Supply chain disruptions. Delays or disruptions in the supply chain due to external factors like transportation issues, supplier failures or geopolitical events can impact production schedules and costs.



Market fluctuations. Changes in market demand, commodity prices and economic conditions can affect sales, profitability and operational planning.



Regulatory changes. New or changing regulations can necessitate operational adjustments, increased compliance costs and potential disruptions during the transition period.



Natural disasters. Distilleries need to take additional measures to guard against the threat of bushfire, floods, or storms which can damage facilities, disrupt production and pose safety hazards to workers.



Environmental compliance. Failure to comply with environmental regulations can result in fines, legal action and damage to your brand's reputation.



Negative publicity. Incidents such as product recalls, safety breaches or regulatory non-compliance can lead to negative publicity, and damage to your brand's reputation and customer trust.



Community relations. Poor relationships with the local community, including environmental impact and nuisance complaints, can lead to operational restrictions and damage to your brand's reputation.

Controlling operational risks

Controls you may consider when controlling operational risks include, but are not limited to, the following.



Robust internal controls. Implement strong internal controls and standard operating procedures to minimise human error and ensure consistency in operations.



Training and development. Hold regular training for workers on safety protocols, operational procedures and compliance requirements.



Technology investment. Invest in reliable IT systems, cybersecurity measures and data integrity solutions to support smooth operations and protect against threats.



Supply chain management. Develop strong relationships with suppliers, diversify sources and maintain contingency plans to mitigate supply chain risks.



Risk assessments and audits. Conduct regular risk assessments and audits to identify potential operational risks and implement corrective actions.



Crisis management planning. Establish and regularly update crisis management and business continuity plans to ensure quick recovery from disruptions.

Work health and safety risks

Use the following steps to ensure, so far as is reasonably practicable, that your workers and others are not exposed to health and safety risks at your distillery and/or bond store.

Spot the hazard

A hazard is anything with the potential to cause injury or illness, and/or damage to property or the environment.

Many hazardous activities carried out in the distillery industry can result in death or serious injury if not managed correctly. Typical hazards found in distillery production are:



carbon dioxide in fermenting rooms



confined spaces



explosive gas atmospheres



electrical



dust explosion



fatigue



exposure to extremes of temperature



hazardous chemicals



flammable liquids



moving objects



hazardous manual tasks



hot work/steam



plant and machinery



traffic



noise



slippery or cluttered surfaces



visitor and customer access



working at height.

Some hazards are part of the work process, such as mechanical hazards, noise or substances. Other hazards result from equipment or machine failures and misuse, chemical spills, and structural failures. Plant, substances or a work process may have many different hazards. Each of these hazards needs to be identified. For example, a production line (packaging and bottling locations) may have dangerous moving parts, noise, manual tasks, and psychological hazards.

See Appendix 3 for more information about potential hazards in a distillery and/or bond store.

Assessing the risk

A risk is the likelihood of a hazard causing injury or illness or damage. The level of risk reflects:

- the likelihood of the unwanted event
- the potential consequences of the unwanted event.

In many cases, the risks and related control measures will be known. In other cases, you may need to carry out a risk assessment to identify the likelihood of somebody being harmed by the hazard and how serious the harm could be. A risk assessment can help you determine what action you should take to control the risk and how urgently the action needs to be taken.

Appendix 4 shows common activities and risks that may exist in the distillery industry. With each of these risks, an assessment of the working conditions should be done to identify ways to eliminate or minimise risks in the high-risk zone and ensure the activity is in the medium or lower risk zones.

Controlling the risk

Take action to control the risk. Work health and safety laws require you to do all that is reasonably practicable to eliminate or minimise risks.

The ways of controlling risks are ranked from the highest level of protection and reliability to the lowest. This ranking is known as the hierarchy of risk control. You must work through this hierarchy to manage risks.

The first thing to consider is whether hazards can be completely removed from the workplace. If it is not reasonably practicable to completely eliminate the risk, then consider the following options in the order they appear below to minimise risks, so far as is reasonably practicable.

- Substitute the hazard for something safer, for example, use a non-caustic cleaner instead of caustic soda.
- Isolate the hazard, for example, install fixed ladders/walkways on top of tanks, install guard rails around exposed edges and holes in floors.

If after implementing the above control measures a risk still remains, consider the following controls, in the order given below, to minimise the remaining risk, in so far as is reasonably practicable.

- Use administrative controls, for example, rotate jobs and vary tasks to minimise the risks associated with repetitive manual handling tasks.
- Use personal protective equipment (PPE), for example, safety eyewear, hearing protection, safety helmets, or reflective high-visibility clothing.

A combination of controls may be needed if a single control is not enough to reduce the risks. You need to consider all possible control measures and decide which are reasonably practicable for your workplace. Deciding what is reasonably practicable includes the availability and suitability of control measures, with a preference for using substitution, isolation or engineering controls to minimise risks before using administrative controls or PPE. Cost may be relevant, but you can only consider this after all other factors have been considered.

See Appendix 4 for more information on control measures in a distillery and/or bond store.

Evaluate the results

Check your control measures regularly to ensure they are working as planned and remain effective. Consider the nature and duration of the work, as well as work processes and working conditions/the work environment in your review.

Appendix 1: Regulatory bodies and stakeholders

Australian Taxation Office

Excisable alcohol products

Beer, spirits and other excisable beverages are all excisable alcohol products. They are generally subject to excise duty if you manufacture or produce them in Australia.

Wine is subject to wine equalisation tax and not excise duty.

Understanding the classification of your products is important to ensure you correctly meet your excise obligations.

If you donate excisable products, they are still subject to excise duty. You will need to report and pay excise duty on these.

Difference in excise duty rates for spirits

Spirits are divided into different classes (or tariff sub-items). Each has its own rate of excise duty per litre of alcohol.

In practice, the excise duty rates for spirits only differ between:

- brandy (spirit distilled from grape wine in a way that it has the taste, aroma and other characteristics generally attributed to brandy)
- concessional spirits (including denatured spirit)
- all other spirits including other excisable beverages (OEBs).

You need specific written permission from the ATO to enter spirits or OEBs other than concessional spirits into the Australian domestic market in a container with a capacity of more than 2 litres. For example, you may want to sell spirit packaged in a 20litre plastic container directly to pubs and clubs, where it will be used to prepare mixed alcohol beverages (such as cocktails) for consumption on those premises. You cannot sell the spirit to those pubs and clubs without first obtaining written permission from the ATO to enter the spirit packaged in the bulk container into the Australian domestic market.

To apply for permission, submit your request to the ATO in writing and provide:

- details of the product
- the container size
- the intended market (for example, pubs and clubs).

The ATO cannot give permission to enter spirits or OEBs that are packaged in a container with a capacity of more than 2 litres where they are to be repackaged into any other container for retail sale.

Spirits or OEBs packaged in a container with a capacity of more than 2 litres can be supplied under bond. Repackaging for retail sale may be undertaken at excise licensed premises before the goods are entered into the Australian domestic market.

Stills used to distil alcohol

To use a still of any capacity to distil alcohol, you must have an excise manufacturer licence. Penalties apply if you manufacture spirits without one. For the ATO to grant you a manufacturer licence, it will consider factors such as:

- whether you intend to distil spirits for a commercial purpose (licences are not granted to distil spirits for personal consumption)
- the security of your premises
- that you will pay the correct amount of excise duty when required.

Excise duty is generally payable on alcohol you distil, even if you don't have a licence. You may be eligible to apply for an automatic remission under the ATO's remission scheme. The maximum you can apply for each financial year is \$350,000.

Stills used for other purposes

You can own a still with a capacity of 5 litres or less without the permission of the ATO, but only if you're not using it to distil alcohol.

For a still over 5 litres in capacity, if you're not a licensed excise manufacturer you must have permission from the ATO to:

- manufacture the still
- move or set up the still
- sell or buy the still
- import the still
- have possession, custody or control of the still.

Penalties apply if you don't have the appropriate permission for a still.

For more information go to ato.gov.au

Building Surveyors

A Building Surveyor is a suitably qualified and licensed person who performs functions under the National Construction Code and the *Building Act 2016*. The Building Surveyor is the most crucial stakeholder within your project. The Building Surveyor provides direction on what is required to be included in your application (Certificate of Likely Compliance), certifies your application and plans, begins all mandatory inspections, and issues all relevant documentation throughout the entire process.

Under the provisions of the Director's Determination Categories of Building Work, the Building Surveyor will categorise your building application under one of 2 separate categories: Category 3 Notifiable Building Work or Category 4 Permit Work.

As the Building Surveyor will be the primary contact from start to finish, it is important that you engage one who best suits your project requirements. To find a licensed Building Surveyor in Tasmania, go to the CBOS website at cbos.tas.gov.au and search for 'find a licensed tradesperson'.

The minimum documentation needed for a Certificate of Likely Compliance to be issued is:

- completed Form 2: Application for Certificate of Likely Compliance (cbos.tas.gov.au)
- Certificate of Title documents listing current owner, FolioText, FolioPlan and Schedule of Easements (thelist.tas.gov.au/app/content/property/property-search). These can be purchased from thelist.tas.gov.au
- planning permission/approval/exemption from the local council
- architectural plans prepared by a Tasmanian licensed designer listing all information specified in Schedule 1 of the Director's Specified List of September 2017 (go to cbos.tas.gov.au and search for 'Director's Specified List September 2017 and then see page 28)
- Form 35 from the architect or building designer.

Depending on the project specifications, you may need these additional documents (and more):

- certified drawings from the structural engineer and supporting Form 55/Form 35
- certified drawings from the civil engineer and supporting Form 55/Form 35
- site/soil assessment and supporting Form 55
- onsite waste treatment report and supporting Form 55/Form 35
- energy efficiency report and supporting Form 55
- bushfire assessment and supporting Form 55 (AS1940 Compliance Report)
- hazardous area assessment (AS/NZS 60079.10.1)
- National Construction Code lighting calculator
- notice of proposed protection work Form 6
- EHO Report (Form 49) which is obtained by the Building Surveyor.

Your architect or building designer will be able to help you collate the required forms and documents you need.

The Australian Institute of Building Surveyors (AIBS) is the peak professional body representing building surveying practitioners in Australia.

For more information go to aibs.com.au

Department of Treasury and Finance

The Commissioner for Licensing carries out their duties in accordance with the *Liquor Licensing Act 1990*. The primary objectives are to:

- regulate the sale, supply, promotion and consumption of liquor
- minimise harm arising from the misuse of liquor, to ensure the sale, supply, promotion and consumption of liquor is carried out in way that is in the best interests of the Tasmanian community.

To assess new liquor licences, applications:

- must be made on the approved form
- must be accompanied by the application fee
- must be made at least 28 days before the licence is to take effect, unless otherwise agreed by the Commissioner
- may require further information to be provided for the Commissioner to progress the application, such as plans and information about associates
- require public notice to allow the public to make representations.

The Commissioner will determine new applications for liquor licences ensuring that:

- the individual applying for the licence is a fit and proper person to hold a liquor licence or liquor permit
- the applicant can exercise effective control over the sale and consumption of liquor on the premises
- the applicant has completed an approved responsible service of alcohol training course
- any relevant associates of the applicant who could have influence over the management of the business are a fit and proper person
- the applicant has relevant knowledge, experience and competency in the service of liquor and the conduct and management of licensed premises
- decisions are made in accordance with the *Liquor Licensing Act 1990* and in the best interest of the community.

For more information go to treasury.tas.gov.au

Environmental Protection Authority

The Environmental Protection Authority (EPA) assesses proposed activities that are classified as Level 2 activities under the *Environmental Management and Pollution Control Act 1994*.

Other activities that are not classified as Level 2 activities may also be assessed by the EPA under some circumstances. Schedule 2 of the *Environmental Management and Pollution Control Act 1994* lists Level 2 activities. The most relevant to the distilling industry is Section 4 – Food Production and Animal and Plant Processing, Part (b) Breweries and Distilleries: ‘the conduct of works for the production of beer by infusion, boiling or fermentation, or spirits by distillation, being works with a capacity to consume 100,000 litres or more of water in a working day of eight hours’.

Assessment process

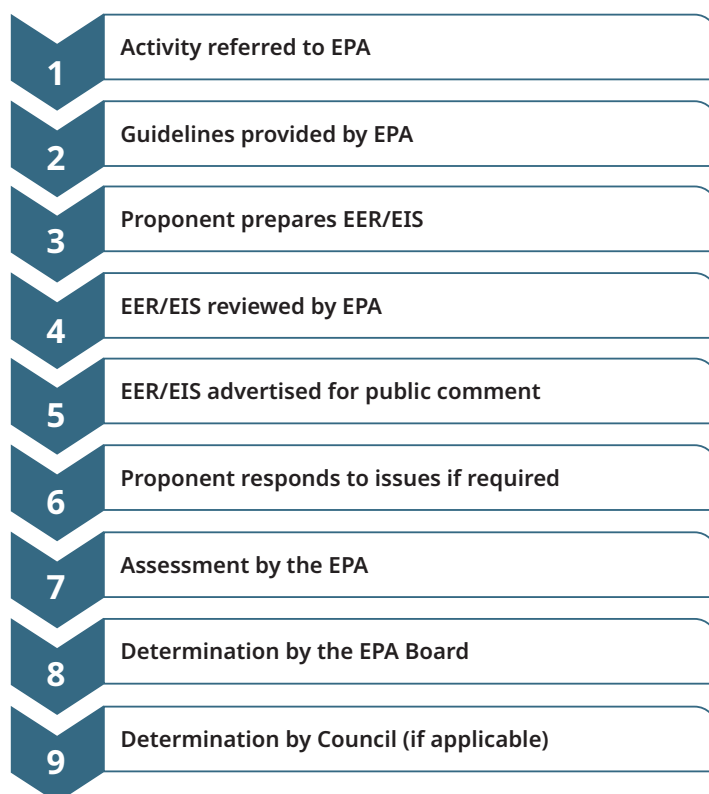
The EPA Board is responsible for assessing the potential environmental impacts of certain activities under the *Environmental Management and Pollution Control Act 1994*.

The environmental impact assessment process focuses on minimising environmental harm, nuisance and pollution relating to noise, air quality, water quality and natural values. For more information, go to epa.tas.gov.au/business-industry/assessment

The process generally follows these steps:

1. Proposed activities are referred to the EPA directly by the proponent, or by local council as part of a development application.
2. The EPA provides guidelines to the proponent which specify information about the proposal that is required to support the assessment process.
3. Based on the guidelines, the proponent prepares a document describing the proposal and its environmental impacts (known as a 'case for assessment'). This document is called an Environmental Effects Report or Environmental Impact Statement depending on the size and potential impacts of the proposal.
4. The EPA reviews and evaluates the Environmental Effects Report or Environmental Impact Statement and may accept it or request more information.
5. The Environmental Effects Report or Environmental Impact Statement is advertised, and public comment is invited.
6. Comments submitted by the public may raise issues that require clarification, further studies or re-evaluation, the EPA may then request more information, in the form of a supplement to the Environmental Effects Report or Environmental Impact Statement.
7. The EPA considers the proponent's documentation, public submissions, and specialist advice to evaluate the environmental impact of the proposal.
8. The EPA Board determines whether to refuse the proposal or impose environmental conditions to avoid or mitigate impacts.
9. Where a land use permit is required, the EPA's environmental conditions must be included in the permit, if a permit is granted by council. In other cases, the environmental conditions will be imposed in an Environment Protection Notice or Environmental Licence (finfish proposals only).

A summary of the process is shown below.



For more information (including which activities are assessed) see the Guide to Environmental Impact Assessment at epa.tas.gov.au/business-industry/assessment/guidance-documents

To contact the EPA regarding an assessment process, call the Assessments Branch on 6165 4599 or email assessments@epa.tas.gov.au

Local government (councils)

All relevant documentation throughout your project will need to be submitted to the appropriate local council.

Tasmania has 29 local councils. To locate the right local council for your project, go to the Local Government Association of Tasmania website at lgat.tas.gov.au and search 'find your local council'.

The main law that sets out the powers and functions of Tasmania's councils is the *Local Government Act 1993*. Under section 20 of this Act, councils:

- provide for the health, safety, and welfare of the community
- represent and promote the interests of the community
- provide for the municipal area's peace, order, and good government.

Planning

Planning relates to the use and/or development of land for a specific purpose.

A council's planning department manages development applications for uses/developments that are assessable under the planning scheme that applies to a location and the *Land Use Planning and Approvals Act 1993*.

A planning permit will ensure that the proposed development fits within the requirements of the planning scheme and the *Land Use Planning and Approvals Act 1993*. It gives authorisation for the proposed use/development to occur on a particular site.

In accordance with the *Local Government Act 1993*, the planning authority:

- receives and assesses planning applications
- makes a decision on your application
- issues permits.

As with any development, it is important to check with the local council whether planning approval is required or not. The use/development will fall into one of these 5 application types:

- exempt
- no permit required
- permitted (no public notification)

- discretionary (public notification required and council may approve with conditions or refuse an application for a permit)
- prohibited.

The classification will depend on the zoning and planning controls that are relevant to that particular site.

In accordance with the relevant planning scheme, a proposed development for a distillery and/or bond store will fall under the resource processing classification and therefore can only be 'permitted', 'discretionary' or 'prohibited', depending on the zoning of the particular site. This means that planning approval will be required for a distillery and/or bond store.

You should lodge your planning application with the council along with:

- a fully completed planning application form
- detailed plans for the proposed development, including a site plan and elevation plans
- a full copy of the title documentation for the subject site
- any expert reports, if applicable, for example, a natural values assessment report, flood-prone areas hazard report, and/or a traffic impact assessment.

Building

A council's building department ensures that the permit authority carries out the functions and requirements of the *Building Act 2016*. Under this Act, the permit authority is an authorised officer who:

- assesses building/demolition applications
- issues permits/approvals for building construction
- ensures building, demolition, and plumbing works comply with the *Building Act 2016*
- maintains a record of building and plumbing work undertaken
- takes compliance action where required.

All documentation issued by the Building Surveyor throughout the construction must be submitted to the council permit authority for record keeping and registration.

Environmental Health Officers

A council's Environmental Health Officer regulates food businesses for the purposes of the *Food Act 2003*. You are encouraged to liaise closely with your council's Environmental Health Officer from the early planning stages.

If your business makes alcoholic beverages, it is legally considered to be a food business for the purposes of the *Food Act 2003*.

Mandatory food safety-related construction and fit-out requirements apply to all food premises in Tasmania, and these are enforced through the *Building Act 2016*.

The Environmental Health Officer is a reporting authority under the *Building Act 2016* and assesses the plans for fit-outs and construction of food businesses. The Building Surveyor must refer relevant plans and documentation to the Environmental Health Officer.

The Environmental Health Officer is responsible for issuing the following:

- Form 49 (Environmental Health Officer Report) - assessment of compliance of design plans against the specific food premises requirements contained in the National Construction Code.
- Form 50 (Environmental Health Officer Occupancy Report) - assessment of whether building works have occurred in accordance with the approved plans/design.

These reports are coordinated by the Building Surveyor.

The construction of a new food business or alterations to an existing food business must comply with the National Construction Code, including Schedule 9 TAS Part I4 Food Premises, which mirrors the requirements of the National Food Standards Code.

The Building Surveyor will work with the Environmental Health Officer to ensure your fit-out plans meet the requirements as they apply to the manufacture of alcohol.

When designing premises, it is important to specify whether performance requirements or a combination of performance solutions and deemed to satisfy solutions are being proposed as the mechanism for demonstrating compliance with National Construction Code TAS Part 14 Food Premises. This is important, and it is recommended that you discuss this with the designer and Environmental Health Officer early in the design stage.

Once the construction works have been completed, the Environmental Health Officer must sign off on the construction works and provide an Environmental Health Officer Occupancy Report (Form 50) to the Building Surveyor.

The Environmental Health Officer also assesses and approves onsite wastewater disposal systems for sites not in an area serviced by a TasWater sewer system.

Labelling and product composition

There are specific food labelling and composition requirements for alcoholic beverages. Many of these requirements are required by the *Food Act 2003*, which adopts the National Food Standards Code. A council's Environmental Health Officer is responsible for enforcing these requirements.

For more information about food labelling requirements, go the Department of Health at health.tas.gov.au and Food Standards Australia New Zealand at foodstandards.gov.au

Registration/notification under the *Food Act 2003*

The ongoing operation of a food business is regulated under the *Food Act 2003*, which adopts the Australian and New Zealand Food Standards Code.

As a food business proprietor, you must formally notify the council of the existence of your business. In some instances (if foods other than alcoholic beverages are manufactured, sold or served), you will likely need to apply for and receive annual registration as a food business under the *Food Act 2003*.

Tasmania has adopted a risk-based food business classification system. Under this system, if your business only manufactures alcoholic beverages, it is classified as Priority 3 – Notification Only Businesses (P3-N). This means that businesses that only manufacture alcohol do not require formal ongoing registration under the *Food Act 2003* and only require a one-off notification to the relevant council.

If you also wish to provide additional food services (for example, food to accompany tastings, hampers, or a front of house café), the risk classification will change and you will likely require formal registration under the *Food Act 2003*. This will also impact the construction requirements for your business.

For more information about this, go to health.tas.gov.au/publications/risk-classification-system-food-business

Plumbing

A council's plumbing department assesses and inspects all category 3 and 4 plumbing work under the Director's Determination and Director's Specified List in accordance with the *Building Act 2016*.

A council's plumbing permit authority must review all applications for distilleries and/or bond stores that involve the installation of plumbing fixtures (toilets/basins/sinks), internal and external drainage, stormwater and trade waste. It also advises whether others (such as TasWater or environmental consultants) need to be consulted as part of the assessment process.

As your qualified plumber undertakes the work specified within the council approval, they will contact the council permit authority to undertake mandatory inspection stages with the plumbing inspectors. Council is responsible for inspecting all plumbing work under the Director's Specified List.

The minimum documentation required for a Plumbing Certificate of Likely Compliance/ Permit to be issued is listed below.

- Completed Form 3 Application for Plumbing Approval: Applicant/Agent
- Certificate of Title: Applicant/Agent
- Form 35 (Certificate of Responsible Designer): Architect/Plumbing Designer
- Drainage Design: Architect/Plumbing Designer.

If your distillery and/or bond store is in an unsewered area, you will also need to consider how liquid waste generated by your operations will be treated and disposed of. This will likely require approval for the disposal of onsite wastewater. You will need to obtain a plumbing permit that permits the installation of an onsite wastewater management system. Systems must be designed by an accredited consultant and suitable approved systems will depend on soil type and topography. Applications are made to the council in conjunction with an accredited onsite wastewater management consultant.

Tasmania Fire Service

The Building Safety Unit of the TFS's Community Fire Safety Division:

- ensures statutorily required level of building fire safety measures are maintained in commercial, industrial and public buildings
- performs statutory responsibilities on behalf of the Chief Officer under fire and building laws
- ensures fire safety features in buildings are operationally suitable to support firefighting operations and maintain the statutorily required level of fire safety for building occupants
- approves fire evacuation plans for specified buildings under the General Fire Regulations.

The Bushfire Risk Unit:

- engages with planning and building requirements for development in bushfire prone areas
- performs statutory responsibilities on behalf of the Fire and Emergency Services Commissioner under both planning and building legislation.

Both these units operate statewide with offices in Hobart, Launceston and Burnie.

Building approvals process

The Chief Officer must provide a report to the referring Building Surveyor within 14 days of receiving a referral. Referrals are made where a Building Surveyor determines this is required for fire safety features identified in Schedule 1 of the Building Regulations. The Building Surveyor will refer the proposal to the Chief Officer to report compliance with the National Construction Code and on operational suitability of the fire safety features.

The Building Surveyor must take the comments contained in the Chief Officer Report into account when preparing the certificate of likely compliance.

Bushfire hazard requirements

Bushfire-prone areas are defined through overlays in the Tasmanian Planning Scheme (available at thelist.tas.gov.au). A distillery and/or bond store and related development may require both planning and building consents if located within a bushfire-prone area.

You should make a planning application if the scale of your operation will result in storage of manifest quantities of spirit. The development will need to show how bushfire risks will be managed by having a bushfire hazard management plan and a bushfire emergency strategy.

You should consider your potential future business growth when siting buildings and other structures on your land to avoid costly retrofitting of fire safety features.

When a building permit is sought, the application will need to include a bushfire hazard management plan and a bushfire emergency plan. The emergency plan will need to be approved by the TFS Bushfire Risk Unit (on behalf of the Chief Officer).

You will need to engage an accredited bushfire hazard assessor to certify the bushfire hazard management plan and prepare the bushfire emergency plan.

Designers and Building Surveyors can usually provide advice about the requirements in bushfire-prone areas. You can also find information at fire.tas.gov.au in the 'building for bushfire' section.

Chief Officer occupancy report

Before the Building Surveyor issues an occupancy permit, the Building Surveyor will request a report from the Chief Officer. This involves inspecting the building to report on the fire safety systems. The report is provided to the Building Surveyor. The Building Surveyor must take into account the comments contained in the Chief Officer occupancy report when preparing the occupancy permit.

Fire evacuation plans

All Distilleries and Bond Stores require a fire evacuation plan approved by the Chief Officer. This is separate to the emergency plan requirements of Division 4 of the Work Health and Safety Regulations.

The fire evacuation plan must be developed and submitted to the Fire and Emergency Services Commissioner to receive in-principle approval before the Building Surveyor provides an occupancy permit. This will form part of the final report to the Building Surveyor from the Fire and Emergency Services Commissioner. For more information on the fire evacuation planning process, go to fire.tas.gov.au. You may develop your own fire evacuation plan based on the information available at fire.tas.gov.au or you may engage a consultant with the skills and knowledge to develop a contextualised plan for your business.

Performance-based design

The first step in preparing a performance based design is to prepare a performance based design brief (PBDB). The purpose of the PBDB is to record fundamental activities and outcomes of the performance-based design process, as agreed during key stakeholder negotiations. Consequently, the preparation of the Fire Engineering Report (FER) can be commenced with a high degree of confidence that provided the requirements of the PBDB are achieved, the proposed design is likely to be approved.

Further detail on the performance based design process can be found here: www.abcb.gov.au/sites/default/files/resources/2022/Performance-solution-process.pdf

Designers sometimes use a performance-based approach to meet the requirements of the National Construction Code, often for fire safety requirements. These designs are usually prepared by a fire engineer.

Once a performance-based design brief is agreed to in principle, the fire engineer will develop a fire engineering report that will accompany the documents submitted by the Building Surveyor to the Chief Officer to report on the fire safety features, including any deemed to satisfy provisions.

Reporting to the Building Surveyor

Once a report by the Chief Officer is complete, it is provided back to the Building Surveyor. Once construction starts, the fire safety systems within the building must be installed as designed and approved. Any variances to the approved plans must be referred to the Fire and Emergency Services Commissioner through the normal building approvals process.

Special fire hazard premises

Distilleries are defined as special fire hazard premises by the Building Regulations 2016, while fire hazard materials are further defined by the Director's Special Fire Hazard Materials Determination. For more information, go to cbos.tas.gov.au

Tasmania Fire Service have developed a Guideline for referral of distilleries, available at fire.tas.gov.au/resources. Tasmania Fire Service's Building Safety Unit strongly recommend that existing and potential distillers touch base to discuss any questions they may have.

TasWater

You will require TasWater assessment if you intend your distillery and/or bond store to be connected to reticulated water and/or sewerage. If your distillery and/or bond store is located in a rural area outside of a town/settlement, a connection is unlikely to be required.

If you are outside serviced land areas and you wish to transport your waste to treatment plants, TasWater is not obligated to take this waste. You will need to apply for this.

Trade waste is liquid waste that is more variable and diverse in volume and quality than typical household wastewater. Trade waste places additional demand and impact on the sewerage system over and above residential waste. The increased demand increases the risks to the community, the environment and TasWater.

Trade waste disposal to sewer is managed by TasWater to minimise the risks and potential for increased costs associated with the transport and treatment of trade waste. TasWater is committed to working with its trade waste customers to ensure the quantity and quality of trade waste discharged is acceptable for discharge to the sewerage system.

The first stage of the TasWater assessment is integrated into the planning permit process. You do not need to apply separately, as the council will refer your planning permit application to TasWater. If you have triggered a TasWater assessment at the planning permit stage, then TasWater will provide any required conditions, including any trade waste requirements, on your planning permit. These conditions will inform you of TasWater's requirements for your development and advise on the next steps, which will often include applying for a Certificate of Certifiable Work and entering into a trade waste agreement with TasWater.

If your distillery and/or bond store required TasWater assessment, TasWater will want to know the water demands from its network and the proposed discharges to its sewer network, depending on the proposed location. These developments will require pre-treatment before any discharge to sewer.

Any application that undergoes TasWater assessment will be required to provide estimated/expected discharge volumes. If your proposal equates to less than both 5,000L/day and 10,000L/week, discharging to sewage plants with adequate capacity, you will generally be classed as a commercial customer. Higher volume distilleries and/or distilleries that discharge to sewage plants with limited capacity will be classed as industrial trade waste customers and subject to higher trade waste requirements.

For more information, go to taswater.com.au/building-and-development/land-and-property-development or submit an enquiry using the online form at taswater.com.au/building-and-development/development-application-form

For information on trade waste, go to taswater.com.au/customers/businesses/trade-waste

Appendix 2: Duty holder responsibilities

The following duties are required under the *Work Health and Safety Act 2012* and Work Health and Safety Regulations.

Who	Duties	Provisions
A person who conducts a business or undertaking	Ensure, so far as is reasonably practicable, workers and other people are not exposed to health and safety risks arising from the business or undertaking. This includes providing and maintaining a safe work environment; safe plant and structures; safe systems of work; safe use, handling and storage of plant, structures and substances; adequate facilities to support the welfare of workers; information, training, instruction or supervision; and monitoring of workers' health and workplace conditions to prevent illness or injury. Eliminate health and safety risks so far as is reasonably practicable, and if this is not reasonably practicable, minimise those risks so far as is reasonably practicable. This includes risks associated with confined space, hot work, hazardous manual tasks, plant and machinery, hazardous chemicals, electricity, noise, risk of falls, hot and cold environments, and public safety.	<i>Work Health and Safety Act 2012</i>, Section 19 Work Health and Safety Regulations, Regulation 35
Designers, manufacturers, importers, suppliers or installers of plant or substances	Ensure, so far as reasonably practicable, the plant or substances they design, manufacture, import or supply is without risks to health and safety, including carrying out testing and analysis and providing information about the plant or substances.	<i>Work Health and Safety Act 2012</i> , Sections 22-26
Officers such as company directors	Exercise due diligence, including by taking reasonable steps to ensure the business or undertaking has and uses appropriate resources and processes to eliminate or minimise risks from work associated with growing, processing, storage, transporting and sales of distillery products.	<i>Work Health and Safety Act 2012</i> , Section 27
Workers	Take reasonable care for their own health and safety. Take reasonable care not to adversely affect other people's health and safety. Cooperate with reasonable health and safety policies or procedures. Comply, so far as they are reasonably able, with reasonable instructions.	<i>Work Health and Safety Act 2012</i> , Section 28
Other persons at the workplace, like visitors	Take reasonable care for their own health and safety Take reasonable care not to adversely affect other people's health and safety. Comply, so far as they are reasonably able, with reasonable instructions.	<i>Work Health and Safety Act 2012</i> , Section 29

Appendix 3: Types of work health and safety hazards

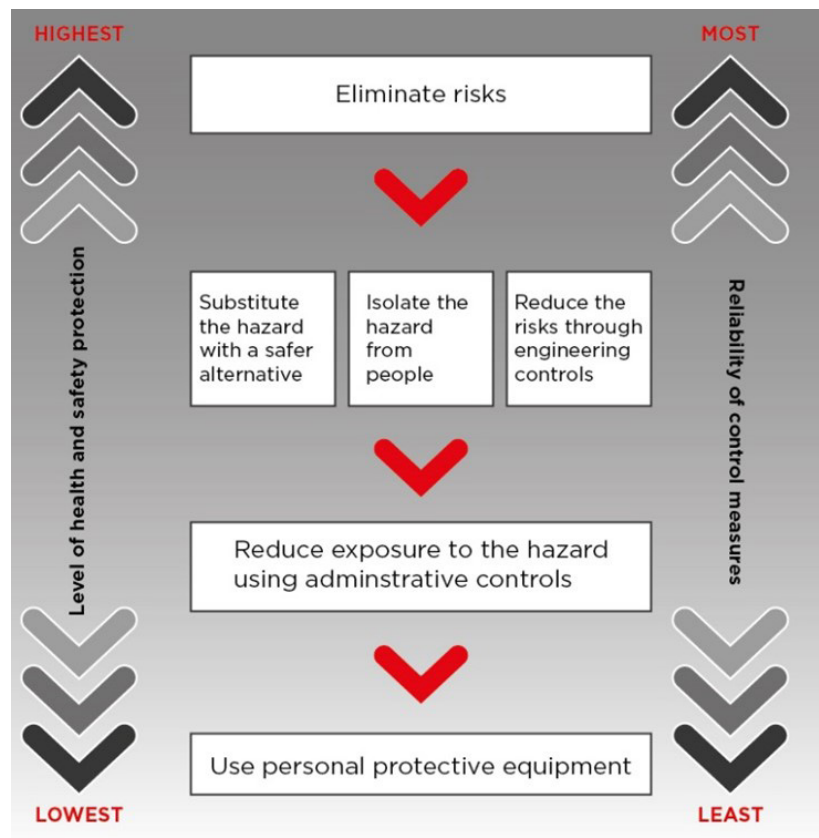
Hazard	Potential harm and notes
Manual tasks	Overexertion or repetitive movement can cause muscular strain, ligament tears, carpal tunnel, back injury.
Falls from heights	Falling objects, falls, slips and trips of people can cause fractures, bruises, lacerations, dislocations, concussion, permanent injuries or death.
Electricity	Potential ignition source. Exposure to live electrical conductors may result in electrical shock, burns, or death from electrocution.
Static charge	Static electricity discharges are capable of igniting flammable atmospheres and can be prevented by wearing non synthetic clothing and antistatic shoes, using earthing and bonding lines when transferring flammable liquids.
Machinery and equipment	Being hit by moving vehicles or being caught by moving parts of machinery can cause fractures, bruises, lacerations, dislocations, permanent injuries, or death.
Hazardous chemicals	A hazardous chemical is any substance that poses a risk to the health and safety of workers and others. These risks can arise from various properties of the chemical. Health hazards include asphyxiation, toxicity, carcinogenicity, reproductive toxicity, skin or eye irritation, respiratory sensitisation. Physical hazards include reactivity, corrosion, potential for fire and explosion. Examples include sodium hypochlorite (corrosive, reacts with acids to yield toxic chlorine gas), ethanol (flammable), carbon dioxide (asphyxiant in confined spaces), sodium metabisulphite (skin and eye irritant).
Flammable chemical	A flammable chemical is a substance that can easily catch fire and sustain combustion. This characteristic makes it a specific type of hazardous chemical focused on its potential to ignite (this includes alcohol). Flashpoint: the lowest temperature at which a liquid can form an ignitable mixture in air. Ignition temperature: the temperature at which the chemical will spontaneously ignite. Flammability limits: the concentration range of the chemical in air that will burn or explode if an ignition source is present. Examples include petrol (low flashpoint), ethanol (flammable liquid), acetylene (flammable gas). For example, alcohol at 50% concentration has a flashpoint of only 24 degrees Celsius.
Extreme temperatures	Heat can cause burns, heat stroke or fatigue. Cold can cause hypothermia.
Noise	Exposure to hazardous noise can cause noise induced hearing loss. In a distillery, the grain mill is typically the only piece of machinery that makes noise inside a building, and the condenser water cooling system is the only piece of machinery that makes noise outside a building.
Psychosocial hazards	Effects of work-related stress, bullying, violence and work related fatigue.
Glass	Lacerations from handling of broken glass materials/products.
Dust explosion	Milling grain creates flour dust that must be contained, as a mixture of air and flour dust is explosive.

Appendix 4: Controlling work health and safety risks

Hazards and activities	Distillery production risk profile		
	Higher risk		→ Lower risk
Operating machinery	Workers operating machinery without training or assessment, for example, operating a forklift truck without a high risk work licence	Workers have some training or training which is not current or relevant to the machinery they are operating and have only been assessed informally	Workers have been trained and assessed on the machinery they are operating and have been assessed for competence and attained their high-risk work licence for a forklift truck
Hazardous manual tasks	Workers manually lifting heavy boxes containing product onto pallets	Workers have received training in safe manual handling techniques	Worker use forklift truck or pallet jacks to load pallets/ trucks
Working alone in remote parts of the distillery	Working alone without emergency procedures	Working alone with agreed emergency contact and procedures	Working alone, but within the same area as others in constant communication with established emergency arrangements
Use of hazardous chemicals	Using hazardous cleaning products without adequate controls	Using hazardous chemicals in accordance with manufacturers' recommendations	Safety data sheets available in the workplace, workers trained in the safe use of the products and adequate controls applied
Flammable chemicals	Workers decanting ethanol or other flammable liquids where there is a potential for spills or fire	Safe work practices developed and implemented to avoid spills or fire	Sources of ignition isolated. Automated systems installed to shut down transfer of flammable liquid. Spill containment and ventilation. Ethanol diluted with water to reduce to below flammable concentration
Electrical (risk of electrical shock or electrical fire)	No electrical inspection, testing and tagging of electrical plant such as electrical leads, and portable tools such as electrical drills. No records of inspection or testing	Inspection and testing of electrical plant undertaken. Records of inspection and testing retained	Residual current devices installed on electrical switchboard protecting general power outlets supplying electrical plant. Electrical plant inspected, tested and tagged. Records of inspections and testing retained
Noise	Workers using personal hearing protectors	Plant and processes modified to reduce noise using engineering controls	Source of noise isolated from people by using distance, barriers, enclosures and sound absorbing surfaces
Dust explosion	Milling grain creates flour dust that must be contained, as a mixture of air and flour dust is explosive	Safe work practices developed and implemented to avoid dust explosions or fire	Sources of ignition isolated. Maintain adequate ventilation, install dust collectors, or air handling systems, ensure all equipment is well maintained, conduct routine inspection and cleaning of areas prone to dust build-up

Hierarchy of controls

The hierarchy of controls is shown below, from the How to manage work health and safety risks Code of Practice. You can find this code at [worksafe.tas.gov.au](https://www.worksafe.tas.gov.au)



You must always aim to eliminate a hazard, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by working through the other alternatives in the hierarchy. A combination of controls may be used to minimise risks, so far as is reasonably practicable, if a single control is not sufficient for the purpose. This is often the case.

An example is controlling the risk of falls while accessing the top of tanks to take samples. Installing a fixed ladder (engineering control) and/or walkway will reduce the risk of falls. This task could have been eliminated by installing test taps at the bottom of the tanks.

The following table summarises the types of controls in the hierarchy, as set out in the *Work Health and Safety Act 2012* and *Work Health and Safety Regulations*.

Type of control	Comments
Eliminating	Eliminating the hazard is the most effective means of managing a risk. It must be considered before all other control measures.
Substitution Isolation Engineering controls	Where it is not reasonably practicable to eliminate a hazard, risks arising from the hazard must be minimised. Substitution, isolation, and engineering controls have the same ranking in the hierarchy. Their effectiveness does not depend on human behaviour.
Administrative controls	If a risk remains, the risks must be controlled using administrative controls, such as safe work procedures and training personnel. The effectiveness of administrative controls depends on human behaviour.
Using PPE controls	If a risk remains, the risk must be controlled using PPE. This is the least effective measure and also depends on human behaviour.

Consulting, cooperating and coordinating with other duty holders

Consultation involves sharing information, giving workers a reasonable opportunity to express their views, and taking those views into account before making decisions about health and safety matters.

Consulting with workers and their health and safety representatives is required at each step of the risk management process. By drawing on their experience, knowledge and ideas, you are more likely to identify hazards and choose effective control measures. You should encourage your workers to report hazards and work health and safety problems immediately, so the risks can be managed before an incident occurs.

You must consult with your workers when:

- identifying hazards and assessing risks arising from the work carried out or to be carried out
- making decisions about ways to eliminate or minimise those risks
- proposing changes that may affect the health or safety of your workers
- making decisions about procedures for consulting with workers, resolving health or safety issues, monitoring health of your workers, monitoring the conditions at the workplace and providing information and training for your workers.

There is often more than one business involved in distillery production, and you must consult and communicate with them too.

For more information, read the Work health and safety consultation, cooperation and coordination Code of Practice. You can find this code at [worksafe.tas.gov.au](https://www.worksafe.tas.gov.au)

Appendix 5: Using safety signs for hazardous/flammable chemicals

The following information is from Safe Work Australia at safeworkaustralia.gov.au

Safety signs are a risk control measure for using, handling, generating and storing hazardous chemicals.

A safety sign has:

- warnings about hazards
- information about a particular person's responsibilities with a hazardous chemical.

You must put the sign next to the hazard, and it must be clearly visible to people approaching the hazard.

Placards for hazardous chemicals

If you store chemicals above the placard threshold quantity (for details, go to safeworkaustralia.gov.au and search for 'Placard and manifest threshold quantities') specified in Schedule 11 to the model Work Health and Safety Regulations, you must use placards to provide warnings about stored hazardous chemicals.

Emergency service workers need this information in case there is an emergency in your workplace.

Placards must be easy to read and current.

There are different placards, including:

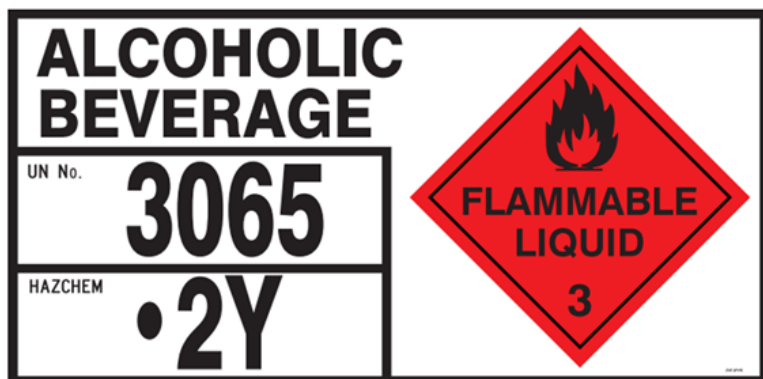
- outer warning placards
- bulk storage placards
- placards for goods too dangerous to transport
- placards for packaged goods
- placards for flammable liquid category 4, for example, ethanol.

They use the form, dimensions and class labels set by the Australian Dangerous Goods Code (ntc.gov.au).

You must not use the Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (unece.org/ghs-rev7-2017) pictograms for placarding.

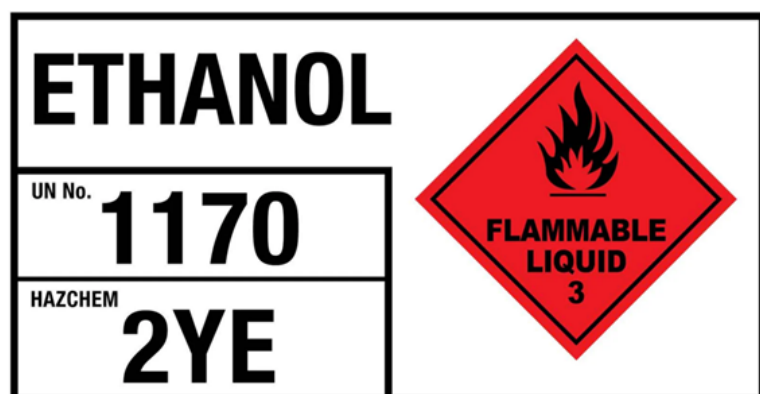
Schedule 13 to the model WHS Regulations has information about placarding requirements.

Examples of placards are:



Product:
Volume:
CIN7 Code:
Notes:

Date in Vessel:
ABV:
Status:



Product:
Volume:
CIN7 Code:
Notes:

Date in Vessel:
ABV:
Status:

Outer warning placards

Outer warning placards have set dimensions and colours and say the word 'HAZCHEM' in red letters on a white or silver background.



The sign is 120 mm high and 600 mm wide. The letters are 100 mm high.

This sign must be located at each entrance to the workplace where emergency services may enter.

You don't need this placard for fuel classified as flammable gas or flammable liquid sold at refuelling retail outlets, unless you store other types of hazardous chemicals above the placard quantity.

Bulk storage refers to storing a chemical:

- in a container with a capacity over 500 litres or 500 kg
- in an undivided quantity over 500 kg, if the chemical is a solid.

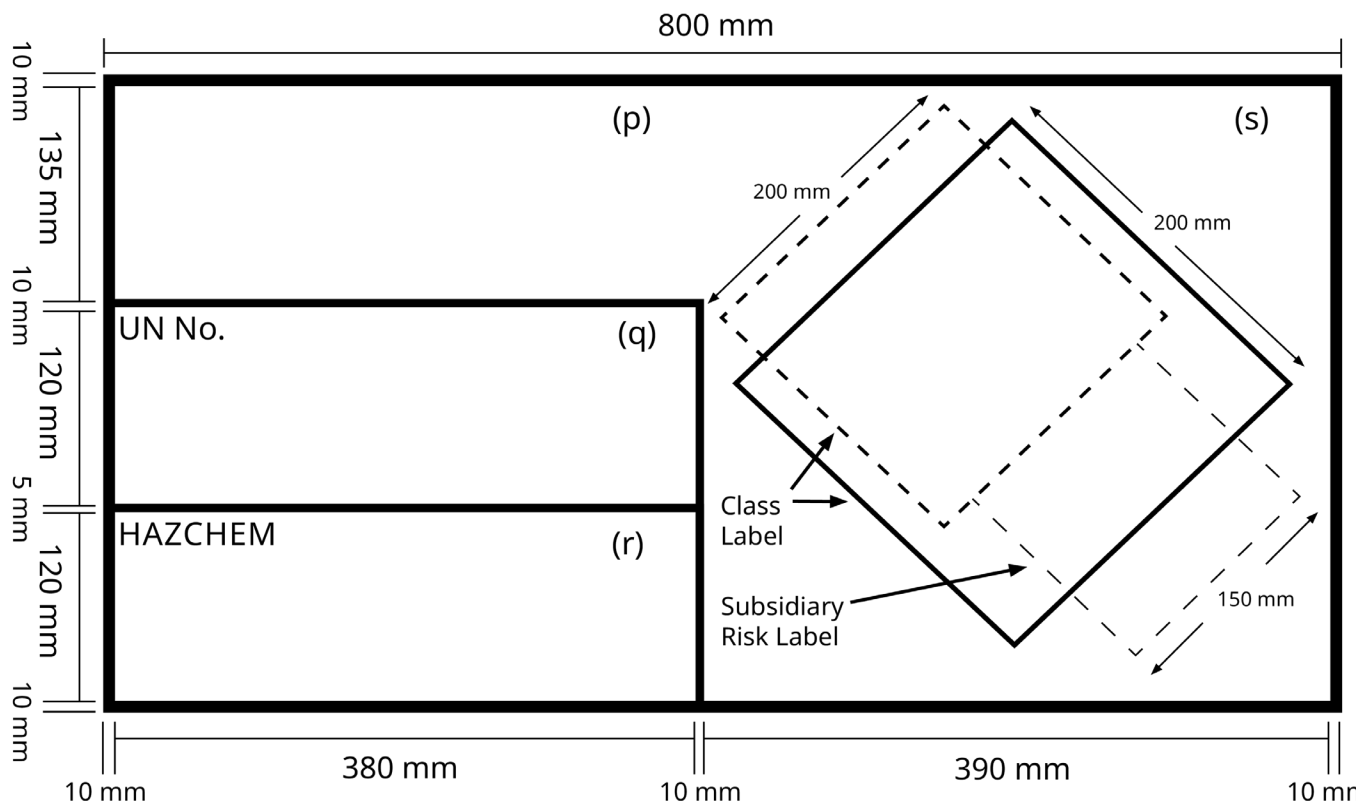
You need to display bulk storage placards for any of the following chemicals stored in bulk which are classified under the following hazardous chemicals categories under the GHS:

- gases under pressure, including flammable gas – category 1 and 2, and aerosols – category 1 and 2
- flammable liquids – category 1, 2 or 3, flammable solids – category 1 or 2
- self-reactive substances types B to F
- self-heating substances category 1 or 2
- substance or mixture which, in contact with water, emits flammable gases – category 1, 2 or 3
- organic peroxides – type B to F
- oxidising solids – category 1, 2 or 3
- oxidising liquids – category 1, 2 or 3
- acute toxicity – category 1, 2 or 3
- skin corrosion – category 1A, 1B or 1C
- corrosive to metals – category 1.

You do not need this placard for underground storage tanks containing fuel classified as a flammable liquid sold at refuelling retail outlets.

Your bulk storage placard must follow a set format, which includes minimum dimensions and specific colours. It must also contain the:

- proper shipping name
- UN number
- HAZCHEM code
- class label and subsidiary risk label specified in the Australian Dangerous Goods Code.



The specifications of the bulk storage placard that must be met are as follows.

- Lettering must be black on white background and at least 100 mm high. If 2 lines are used, then it may be 50 mm high.
- The class and subsidiary risk label must be in the form and colouring of the ADG Code and have sides of at least 250 mm.
- Where there is a subsidiary risk, the main class label must have sides of at least 200 mm and the subsidiary risk label/s must have sides of at least 150 mm. For more than one subsidiary risk, the width of the area on the right hand side for the subsidiary risk label may be extended.

You must put the placard on or next to each container or storage area.

If you store hazardous chemicals in bulk intended for transport, you must put an ADG Code compliant placard on the container.

Goods too dangerous to be transported placards

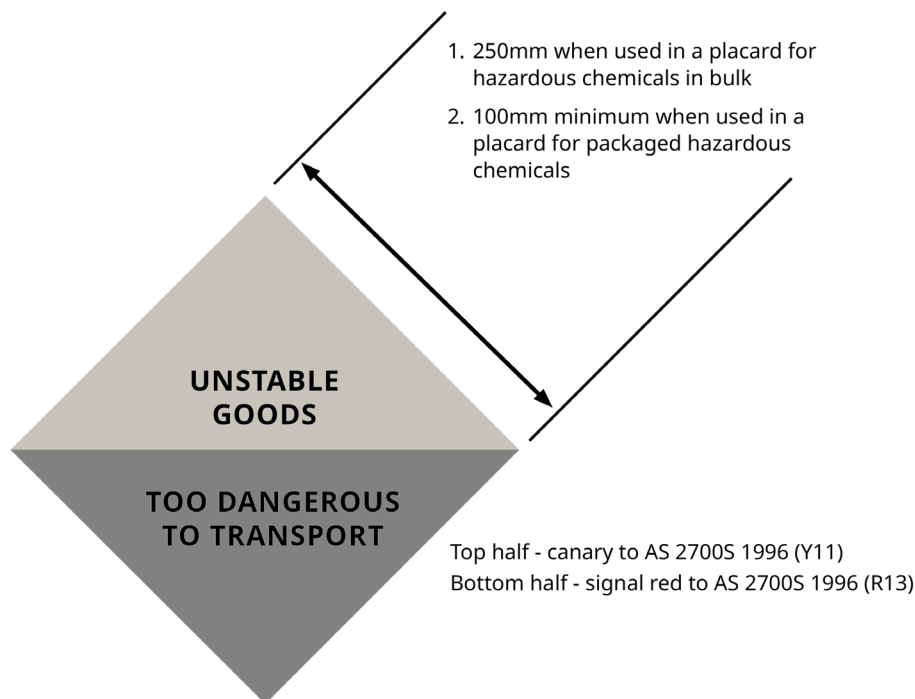
Additional requirements are needed for certain hazardous chemicals that are stored in bulk but are too dangerous to transport. Hazardous chemicals too dangerous to transport are:

- unstable explosives
- organic peroxides type A
- self-reactive substances type A.

You must display a Goods Too Dangerous To Be Transported placard for these chemicals.

Goods Too Dangerous To Be Transported placards have the same format, dimensions and colours as the bulk storage placard, except:

- the name of the goods given in Appendix A of the ADG Code must be shown in the top left area
- the UN number and HAZCHEM code fields must be left blank
- a label displaying the words 'Unstable Goods' and 'Too dangerous to transport' shown in the field normally reserved for the class labels and have sides at least less than 250 mm.



Placards for packaged goods and intermediate bulk containers

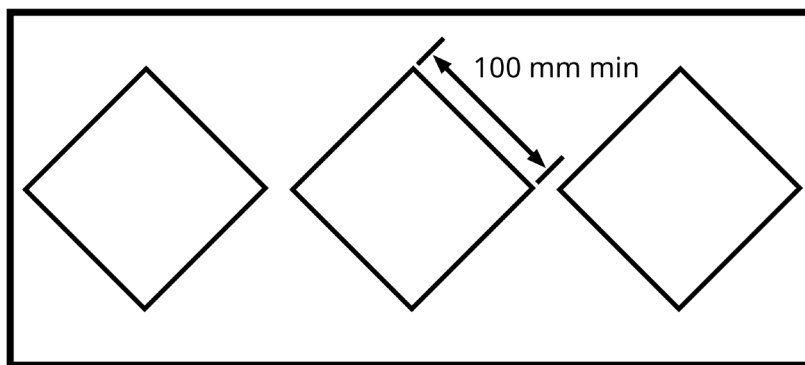
Packaged hazardous goods are in:

- containers under 500 litres or kg
- OR
- intermediate bulk containers.

If you package a Schedule 11 hazardous chemical (other than flammable liquid category 4), then you must display a certain type of placard at each entrance to the storage area for the chemicals (for details, go to safeworkaustralia.gov.au and search for 'Placard and manifest threshold quantities').

The placard for packaged goods and intermediate bulk containers must:

- be of sufficient size to accommodate all class labels required on the placard side by side
- include all class labels in the form and colouring stated in the ADG Code for the hazardous chemical and with sides no less than 100 mm
- have a white or silver background.



You should use the Goods Too Dangerous To Be Transported placard for hazardous chemicals that are classified as:

- unstable explosives
- organic peroxide type A
- self-reactive substance type A.

Placarding for flammable liquid category 4 with other flammable liquids

Flammable liquid category 4 chemicals that are also stored with other flammable liquids require an ADG Code compliant Class 3 class label.

Additional requirements for placarding intermediate bulk containers

Intermediate bulk containers containing Schedule 11 hazardous chemicals stored in the workplace but not intended for use at the workplace must still have:

- a placard on the intermediate bulk container
- a packaged goods placard for the storage area.

Placards for flammable liquid category 4

The GHS classifies flammable liquid category 4 as any flammable liquid with a flashpoint between 60°C and 93°C.

When stored with other flammable liquids in the same spill compound, a flammable liquid category 4 must have:

- a class 3 label under the ADG Code
- the same classification as the flammable liquid with the lowest flashpoint (highest category).

This placard is for any quantity of stored flammable liquid category 4. You must display it on or next to the container or storage area.

It must have:

- black lettering on a white or silver background
- letters at least 100 mm high.



For more information on the storage and handling of flammable material, go to safeworkaustralia.gov.au/doc/storage-flammable-liquids

Appendix 6: Laws, codes and standards

Always check that you are reading the most up to date laws, codes and standards.

Australian Standards (AS)

- AS 2200–2006 Design charts for water supply and sewerage
- AS 1657–2018 Fixed platforms, walkways, stairways and ladders
- AS/NZS 3000:2018 Electrical installations (known as the Australian/New Zealand Wiring Rules)
- AS 1940–2017 The storage and handling of flammable and combustible liquids
- AS 3780–2008 The storage and handling of corrosive substances
- AS 1210–2010 Pressure vessels
- AS/NZS 60079.10.1:2009 Explosive atmospheres–Classification of areas–Explosive gas atmospheres
- AS 4024.1–2014 Safety of machinery
- AS/NZS 3833:2007 The storage and handling of mixed classes of dangerous goods in packages and intermediate bulk containers

Legislation

- *Building Act 2016*
- Building Regulations 2016
- *Fire Service Act 1979*
- *Food Act 2003*
- Food Standards Code
- General Fire Regulations 2021
- *Local Government Act 1993*
- National Construction Code
- *Work Health and Safety Act 2012*
- Work Health and Safety Regulations 2022
- *Land Use Planning and Approvals Act 1993*
- *Environmental Management and Pollution Control Act 1994*
- *Historical Cultural Heritage Act 1995*
- *Urban Drainage Act 2013*
- *Nature Conservation Act 2002*
- *Environmental Protection and Biodiversity Conservation Act 1999*



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