



Our Ref: 19-212
14 February 2020

The Manager
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Dear Sir / Madam,

**DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE –
HOTEL & SPECIAL INDUSTRY
25 FINCHLEY STREET, MILTON (LOT 13 ON RP18886)**

We act on behalf of Lynette Anne Lee and Michael Lee and refer to Council's Infrastructure Charges Notice dated 10 January 2020, in relation to the approved Development Permit for Material Change of Use (A005165084) in respect of the above property.

In accordance with Section 125 of the *Planning Act 2016*, we hereby make representations to alter the Infrastructure Charges Notice.

The Infrastructure Charges Notice provided by Council includes the application of a credit for a non-residential lot for a total of \$14,346.12.

A building exists on site and is currently utilised for Warehouse activities. This building would have had infrastructure charges paid when originally approved on site and these should be credited against the approved development.

The approval plans show a GFA of 521.6m². Considered at the current rate for a Warehouse of \$51.25 per m², the applicable credits should be \$26,732.

We request Council provide an amended Infrastructure Charges Notice with credits applied for the existing building on site. This negotiated infrastructure charges notice is necessary due to an error from Council. As such, it is considered that the lodgement fee should be waived.

Should you require any further clarification or additional information please don't hesitate in contacting the undersigned.

**Yours faithfully,
Plan A Town Planning Pty Ltd**

**Matt Geyle
Senior Town Planner**

Received

17/02/2020

BCC DS

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BRISBANE QLD 4001

Dear Sir / Madam,

**DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE –
HOTEL & SPECIAL INDUSTRY
25 FINCHLEY STREET, MILTON (LOT 13 ON RP18886)**

We act on behalf of Lynette Anne Lee and Michael Lee and refer to Council's Decision Notice (A005165084) dated 10 January 2020 for a Development Permit for Material Change of Use in respect of the above property.

In accordance with Section 75 of the *Planning Act 2016*, we hereby make representations to alter the conditions of Council's Decision Notice.

Condition 18 – Noise – Limitation of Use

The Distillery and Hotel (excluding trucks and delivery vans/vehicles), is to be limited within internal area of the existing building.

The Hotel use is to be further limited as follows:

- amplified music/live music is not permitted in any area of the approved development;
- background music is limited to internal areas of the building;
- the Gated Courtyard and any areas outside of the building, are not part of the approved Hotel development, and must not be used as drinking areas or dining areas for Hotel patrons.

The condition does not allow amplified music from the venue. The intended business activity always envisaged having live entertainment as part of the future use and this is considered to be a critical component of the use. It is confirmed that live music would remain internal to the building and would be located at the end of the building nearest to the XXXX Brewery site, where acoustic impacts would be best contained. The definition of a Hotel includes entertainment and the proposal aims to operate in accordance with the definition of a Hotel under City Plan 2014.

JT Environmental have prepared a response to the above, demonstrated that the ability to have live music operating at the venue will not compromise the acoustic outcomes for the site.

The ability for the courtyard to function as part of the Hotel use is also considered a critical component of the use and it has always been intended for this to function as part of the Hotel. This is consistent with the Newstead Brewing facility located at 67 Castlemaine Street, Milton and

many other brewery or distillery uses in industrial areas which have outdoor areas forming part of the use. The courtyard has always been clearly marked on the plans and the condition currently compromises this area to form part of the use.

The use of the courtyard has also been addressed as part of the attached by JT Environmental. The use of the courtyard would potentially include background music to a level which would not compromise the acoustic outcomes for the site.

Condition 11 – Production Limitation – Air Quality Control

The development is to be limited as follows:

- *the distillery is to be limited to the distillation of alcohol for production of alcoholic beverage;*
- *the distillation of alcohol from the distillery, must not exceed 10,000 Litres per annum;*
- *brewery is not part of the approved development; and*
- *onsite brewing processes are not permitted.*

The capacity under this condition is listed as 10,000 litres per annum. The relevant threshold for a special industry use is more than 2,500m² and there is no requirement under the scheme for a maximum production of 10,000 litres.

Reporting by JT Environmental has been provided based on the production of 20,000 litres, which is the estimated maximum production volume for the facility.

It is recommended that this condition be amended to remove a maximum requirement, as this is not relevant to the planning scheme. If Council need to put a maximum capacity in this condition, it should be changed to 20,000 litres.

The relevant fee for a Negotiated Decision Notice is \$708. We request Council provide an invoice at their earliest convenience such that we have the fee paid.

Should you require any further clarification or additional information please don't hesitate in contacting the undersigned.

**Yours faithfully,
Plan A Town Planning Pty Ltd**



**Matt Geyle
Senior Town Planner**