

**12 December 2019**

Received

12/12/2019

BCC DS

BCC Reference: A005165084

Chief Executive Officer  
Brisbane City Council  
GPO Box 1434  
Brisbane QLD 4000

**Attention:** Mohammed Aslam

**OUTSTANDING ISSUES RESPONSE**  
**MATERIAL CHANGE OF USE – HOTEL AND SPECIAL INDUSTRY**  
**ON LAND AT 25 FINCHLEY STREET, MILTON QLD 4064**  
**DESCRIBED AS LOT 13 ON RP18886**

**BCC Reference: A005165084**

Dear Mohammed,

We refer to Council's Outstanding Issues email dated 09 December 2019 made under the *Planning Act 2016*. We now provide a response in full to all further information requested by Brisbane City Council.

**INFORMATION REQUESTED:**

**Hazard and Risk - Limitation on dangerous goods and combustible liquids**

- 1) *The response in JT Environmental and dated October 2019 still has some inconsistent information in relation to the proposed maximum quantities of dangerous goods.*
  - *The report first mentioned volumes of up to a maximum of 30,000 litres. Manufactured product will be UN 3065, Class 3 Packing Group III.*
  - *The report then further states: The total maximum within the 2 bonded stores, the storage for serving and the stills will be 50,000L. However, the maximum will not always be stored as an annual production capacity of 10000L is proposed.*
- a) *It has been previously indicated the proposed development will not exceed AO3 of Industry Code. Please clarify and confirm that:*
  - i) *the proposed dangerous/combustible liquid associated with the proposed development, would be limited within Flammable Liquid Class 3 Packing Group III; and*

- ii) *clarify and confirm the proposed development will not include the storage of dangerous goods and combustible liquids above the volumes/quantities identified in Table 9.3.12.3.H.*

*Note: Table 9.3.12.3.H is the volumes/quantities prescribed under the Planning scheme. The planning scheme storage quantities do not exempt the workplace from WHS legislation on storage of hazardous chemical ? see General Advice on WHS.*

**Response:**

Further to Council's request, confirmation of the proposed dangerous/combustible liquid associated with the proposal, the storage and quantities of combustible liquids has been provided by JT Environmental in **Attachment A**.

**Air Quality – Limitation – Alcohol production**

- 2) *Please clarify and confirm that the annual production will not exceed the limit modelled in the air quality report, and the development will not include on-site brewing (as assumed in the report, there is no on-site brewing).*

**Response:**

Further to Council's request, the production modelled in the air quality report has been confirmed and further clarified in the report by JT Environmental provided as Attachment B.

The report confirms the expected production capacity of the use is 10,000L/year and that the proposed distilling is a different process to brewing. The potential production amount does not exceed the ERA threshold of 200,000L p.a.

The report concludes that the worst-case levels for the discrete receptor does not exceed the criteria of City Plan 2014 or the EPA with the modelling indicating that the proposal will not result in loss of air quality amenity.

**Hotel Use**

- 3) *Please clarify that the proposal will not including sensitive use. The proposed 'hotel' must not include accommodation to constitute any 'sensitive use' as defined by City Plan 2014.*

**Response:**

No ancillary accommodation activities are proposed. The plans clearly mark out the

areas and activities that will be taking place. In accordance with the reporting, no accommodation activities have been applied for. Therefore there are no sensitive uses proposed or involved in the development application.

### **Noise**

- 4)** *It is considered that the proposal has not demonstrated that relevant noise criteria can be adequately for the proposed development.*

*Some issues include:*

- *The previous info request was based on the Noise Report prepared by JHA Australia Group and based on previous proposed plans.*
- *Revised plan dated 8/11/19 now shows a new `external dining? area on ground floor plan, as well as new function areas.*
- *The noise report dated November 2019, prepared by JT Environmental concludes that compliance with noise criteria can be achieved. However, the report refers to old plans, lacks details, has not justified their adopted ambient data, and has not provided adequate recommendations to support the predicted noise compliance and conclusion.*

- a) *For further consideration of proposed development, please provide an adequate noise assessment to further demonstrate that relevant noise criteria can be achieved in accordance with relevant planning scheme criteria and PSP. The assessment must include worst-case scenario (e.g. patrons, amplified music, all proposed areas) and include appropriate details on all assumptions (such as building attenuation) as well as adequate recommendations.*

*Note - The noise report dated November 2019, prepared by JT Environmental, has not assessed the new proposed plans, and has a number of issues, including but not limited to:*

- *The adopted ambient noise measurement is not adequately justified.*

*Note: The source of the adopted ambient data should be further adequately referenced and justified. If the ambient measurement data have been copied from other Noise Report, the report should clarify that the use of the data is authorised and justified.*

- *The noise report needs to adequately demonstrate worst-case scenario, in particularly, the assessment of amplified music and patron noise, and night hours.*
- *The report needs to provide sufficient info on all assumptions. Where building attenuation are assumed, this should be adequately incorporated in the recommendation.*
- *The recommendation on `Active Management of Noise? in the car park from 10pm is ambiguous and needs further clarification.*

### **Response:**

Further to Council, a further Noise Impact Assessment report has been undertaken

by JT Environmental as provided in Attachment C. Please note that the proposed outdoor dining has been removed. Consequently, the noise reporting does not need to assess this component.

Notwithstanding this, an amended environmental noise impact assessment report by JT Environmental has been provided as **Attachment C**. JT Environmental has been given the right to use the data from JHA reporting. The assessment considers the slight amendments to the layout of the plans, provides worst-case scenario assessments and clarifications on assumptions with amended recommendations.

As such, all operations associated with the use of the proposal will not exceed the applicable noise criteria.

**General Advice - Workplace Health and Safety Queensland**

**5)** *While WHS is not a referral or concurrence agency for this development application, the proposed distillery involves storage and handling of hazardous chemical. It is Council's understanding that WHSQ has been contacted and they made you aware of the WHS responsibilities associated with a workplace that involves the storage and handling of flammable liquid (ethanol/whisky). Additionally, following post approval, you will consult WHSQ for further WHSQ legislative requirements in relation to the operation*

**Response:**

WHS Queensland has been contacted and the WHS responsibilities associated with the proposal has been discussed. Post approval WHS will be consulted for further legislative requirements.

**CONCLUSION:**

The information provided in this letter adequately addresses the matters raised in the Brisbane City Council Information Request dated 9 December 2019. Under the provisions of the *Planning Act 2016*, the above represents a response in full to Council's Information Request.

We request that Council continue with the assessment of this application. I trust that the information provided is sufficient to allow Brisbane City Council to approve the proposed development.

Should you wish to discuss this matter further please contact me on 3666 0766 at any time.

Thank you for your assistance in this matter.

**Yours faithfully,  
Planning Initiatives**

A handwritten signature in black ink, appearing to read 'FRANCARLO RIZZO', with a stylized flourish at the end.

**Francarlo Rizzo**

## **ATTACHMENTS**

**Attachment A – Hazard and Risk Report  
Attachment B – Air Quality Report  
Attachment C – Noise Impact Assessment**