

13 August 2020

Gladstone Ports Corporation Limited
c/- Joel Maudsley
PO Box 259
GLADSTONE QLD 4680

Applicant email: maudsleyj@gpcl.com.au

Dear Mr Maudsley

DECISION NOTICE – APPROVAL WITH CONDITIONS – DA2020/08/01

(GIVEN UNDER S63 PLANNING ACT 2016 AND THE PROVISIONS OF GPC LAND USE PLAN 2012V2)

1. Application Details

This development application was **properly made** to the Gladstone Ports Corporation Limited on **26 June 2020** and changed on **14 July 2020**.

Application Number:	DA2020/08/01
Applicant Name:	Gladstone Ports Corporation Limited
Applicant Contact Details:	Joel Maudsley Gladstone Ports Corporation Limited PO Box 259 40 Goondoon Street GLADSTONE QLD 4680 Email: maudsleyj@gpcl.com.au
Approvals Sought:	Material Change of Use for Commercial Activities (Microbrewery and Function facility for restaurant and cinema)
Details of Proposed Development:	Microbrewery and Function facility use – of footprint over parkland areas (Area A) and Function facility for open air cinema (Area B)
Location Street Address:	60 Flinders Parade GLADSTONE QLD 4680
Location Real Property Description:	Part of Lot 423 on SP120897, Part of Lot 192 on SP239714 and Part of Lot 1 on RP616463
Land Owner:	Gladstone Ports Corporation Limited
Present Zoning & Precinct	Strategic Port Land – East Shores Precinct

2. Details Of Proposed Development

Material Change of Use for Commercial Activities:-

- 1) Function facility (maximum 300 people) for restaurant building and designated parkland area (Function Area A);
- 2) Function facility (maximum 500 people) for open air cinema and designated parkland area (Function Area B); and
- 3) Microbrewery (maximum 250,000 litres per annum) involving extension of existing restaurant building.

3. Details Of Decision

This development application was **decided** on **13 August 2020**.

This development application is **approved in full with conditions**. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

This application is **not** taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

4. Details Of Approval

This development approval is a **Development Permit** given for:

- a) Material Change of Use for Commercial Activities (Microbrewery and Function facility – Area A (functions) and Area B (Open air cinema) (*Planning Regulation 2017* reference Schedule 10, part 13, division 5, subdivision 2).

5. Conditions

This development approval is subject to the conditions in Attachment 1 - Part 1 and Part 2.

6. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Building certification.

7. Properly made submissions

Not applicable – No part of the application required public notification.

8. Approved Plans and Specifications –

Copies of the following plans, specifications and/or drawings are enclosed in **Attachment 2**:

Drawing/report title	Prepared by	Date	Reference no.	Version
Aspect of development: Material Change of Use				
Coversheet – East Shores Stage 1b	Urbis	15/03/2019	Draw. No. 001-CS	Rev 00

Drawing/report title	Prepared by	Date	Reference no.	Version
Microbrewery placement – Brewery plan	The Artificial		Draw. No. SK010	
Elevations - 3D Views	The Artificial		Draw. No. SK011 as amended 13/08/2020	
500L Brewhouse	NDL Craft		Draw. No. 2020-02-14	PO
1000L Fermentation tanks	NDL Craft		Draw. No. 2020-02-07	RO
Function Areas including Open Air Cinema	GPC		Draw. No. 1 as amended 13/08/2020	
Video Wall Frame Detail	VP VideoPro	23/09/2019	Draw. No. AV252	2

9. Currency Period for the Approval

This development approval will lapse at the end of the periods set out below:

- For Material Change of Use this approval lapses 6 years after this approval decision date – reference section 85 of the *Planning Act 2016*.

10. Rights of Appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Attachment 3 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

For further information please contact Judy Horsfall, Planning Officer, on 07 4976 1314 or the undersigned on 07 4976 1287 or via email planning@gpcl.com.au.

Yours sincerely



Erin Clark
Principal Planner
13 August 2020

- Enc. Attachment 1: Conditions of Approval
Part 1 – Conditions imposed by the assessment manager
- Attachment 2: Approved plans and specifications
- Attachment 3: Extract of appeal provisions

ATTACHMENT 1: CONDITIONS OF APPROVAL

PART 1: ASSESSMENT MANAGER CONDITIONS

In general the development proposal is in compliance with the requirements of Gladstone Ports Corporation Limited (GPC). This development approval is subject to each the following conditions which are stated by GPC, the assessment manager.

Part 1a: Approval sought under *Planning Act 2016* – Material Change of Use on Strategic Port Land

GENERAL

1. The development must be carried out generally in accordance with the plans as lodged with the Application except where modified by the Conditions of Approval.
2. Unless otherwise stated, all Conditions of Approval must be completed prior to the commencement of the use.
3. Where additional “approval” is required by any Condition of Approval by GPC, for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written acceptance from GPC. Only in this manner can compliance with the condition be achieved.

Furthermore, GPC will require no less than 10 business days, unless otherwise conditioned by GPC, to initially assess the drawings or documentation provided prior to the initiation of works. Should further information be required to be provided for assessment, GPC will require a further 5 business days to complete the information request response.

4. All other relevant regulatory approvals must be obtained before commencement of works or operation of the facility.
5. The proponent must at its cost and expense, keep, maintain and repair the area subject of the Approval, including existing services and infrastructure, in a state that is satisfactory to GPC.

ENGINEERING & PLANNING

Extent of Approved Uses

6. All microbrewery activities including canning/bottling must be carried out within the approved building footprint shown on the Approved Plans unless otherwise approved in writing by GPC.

Hours of Operation

Service of alcohol that is derived from the Microbrewery use

7. Unless otherwise approved in writing by the Assessment Manager, the hours of operation for the service of alcohol derived from the Microbrewery use to be available to the public are:
 - a. 10.00am to 10.00pm – Monday to Thursday and Sunday (public holidays excepted)
 - b. 10.00am to 12.00am – Friday and Saturday (public holidays excepted)

Note: The Microbrewery use must be on display and alcohol derived from the microbrewery use be available for sale on a Cruise Ship Day even though the Cruise Ship Day may fall on a public holiday.

Note: The relevant Liquor Licence may restrict the above Hours of Operation further but does not have the ability to extend the Hours of Operation.

Note: Brewing activities are permitted to occur outside these Hours of Operation.

Function Areas

8. Unless otherwise approved in writing by the Assessment Manager, the hours of operation for the Approved Use of the function facilities are limited to:
 - a. 7.00am to 12.00am Monday to Sunday for Function Area A; and
 - b. 7.30am to 10.00pm Monday to Sunday for Function Area B (Open air cinema).

Lighting

9. Any site lighting used during operations must not impact on the visibility of Navigational Aids utilised for the primary shipping channels nor illuminate a landward glare beyond the site boundary.
10. Permanent and temporary/function lighting is required to be reviewed and assessed for lighting impacts on the surrounding natural and built environment, including wildlife considerations. Mitigation measures where required are to be incorporated into any relevant Environmental Management Plan.
11. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract traffic.
12. During operating hours, all associated parking areas, pedestrian areas and entrances/exits to any stairwells must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS 1158 "*Public Lighting Code*". Lighting must be designed to reduce the contrast between shadows and well lit areas.

Public access

13. Public access to the parkland Function Area A must be maintained at all times except during functions held in a specific sub-area that has been approved by GPC.
14. Public access to the parkland Function Area B must be maintained at all times except during functions held in the area that have been approved by GPC.
15. Service or consumption of alcohol is not permitted in Function Area A outside of functions.
16. Service or consumption of alcohol is not permitted in Function Area B – Open air cinema, at all times.

Function capacity

17. The approved maximum number of people at any time for functions in Area A is 300 people.
Note: The minimum number of people for a function is 30 people in the context of exclusive use of the temporary licence common area.
18. The approved maximum number of people at any time for functions in Area B (Open air Cinema) is 500 people.

Ancillary function infrastructure and amenities

19. The use of marquees, and additional waste receptacles is approved within Function Area A and B only.
20. Function holders must supply sufficient public amenities including toilets for the number of people being catered for during a function. Preferred areas for locating portable toilets include concrete pathways and the basketball court.

21. Any damage to GPC gardens, landscaping, grassed areas, irrigation infrastructure, services or other port infrastructure or caused as a result of functions including delivery or service vehicles or temporary facilities, must be remediated by the function holder upon completion of the function to the satisfaction of GPC.

Parking and Vehicle Access

22. Function holders must retain during functions a minimum of 25 car parking spaces in the Stage 1b carpark for use by the general public to support continued public access to the parkland.

Note: Car parking spaces can be retained with the use of a security guard or appropriate signage.

Note: Alternative parking and access may be required for large functions e.g. nomination of external parking areas with provision of shuttle services.

23. Service and delivery vehicles must use the designated loading/unloading areas or vehicle access areas where removable bollards are provided.

Note: bollard key access is to be provided in a timely manner.

24. Bus services must use the designated bus drop-off/parking areas provided.

ENVIRONMENT

Environmental Management Plan

25. Prior to the commencement of the use, an Environmental Management Plan (EMP) is to be submitted to the Assessment Manager for approval, specific to the development that ensures:

- a. environmental risks are identified, managed and continually assessed; and
- b. that staff are trained and aware of their obligations under the EMP, including a copy of the EMP and Development Approval available on site at all times; and
- c. that reviews of environmental performance are undertaken at least annually; and
- d. any amendments to the EMP are to be submitted to GPC for review and approval; and
- e. any rehabilitation and decommissioning works where required.

Once approved by the Assessment Manager, the approved development must be carried out in accordance with this EMP.

Note: GPC has a guideline for the development of environmental management plans that may be utilised in meeting the requirements of this condition.

Noise

26. Within one month of the commencement of use of the Open air cinema, the proponent must undertake and submit to the Assessment Manager for approval, a Noise Impact Assessment.

The Noise Impact Assessment must have regard to the requirements of the GPC Land Use Plan 2012 v2 and the GPC Development Code 2012, the *Environmental Protection Act 1994* (Qld) and the relevant Australian Standard which addresses the following:

- a. The assessment of potential noise emissions of Approved Uses, including all areas shown on the Approved Plans. The Approved Uses are to be assessed against and achieve the *Environmental Protection (Noise) Policy 2019* (Qld) which covers the Acoustic Environment and Acoustic Quality Objectives for the sensitive receiving environments, including, but not limited to:

- i. Residential uses/ buildings (outdoors and indoors)
 - ii. commercial and retail activity (indoors) and
 - iii. park and garden for preservation of the amenity of the surrounding parkland.
- b. Utilisation of 'Controlling Background Creep' methodology for the assessment, unless other demonstrated relevant assessment criteria for 'open air cinema function facility' component of development;
- c. When determining the $L_{Aeq,adj,T}$ noise level, the assessment must also include the appropriate penalty/s to be applied to the noise from the operation of tonal and impulsive noise sources;
- d. Inclusion of recommendations or mitigation treatments to achieve compliance, where any potential non-compliances are identified; and
- e. The suggested complaint management process to be implemented in the event of a validated noise complaint being received or a demonstrated non-compliance. A noise management plan is to be prepared to address this, including the option for any potential further noise controls, actions or management practices to reduce noise levels below the minimum background noise levels prescribed. The noise management plan must address at least, but not be limited to, the following matters:
 - i. identification of component noise sources and activities at noise sensitive place/s which impact on noise sensitive areas;
 - ii. the control or abatement measures that can be undertaken to reduce unreasonable noise levels; and
 - iii. the handling of noise complaints, community liaison and consultation and the training of staff in noise management practices.

Any recommendations of the noise assessment must be incorporated into the relevant EMP..

27. Once approved, carry out the Approved Uses in accordance with the recommendations of the approved Noise Impact Assessment and any associated amended plans. Where any conflict exists with the Approved Plans, the amended/approved plans relating to the Noise Impact Assessment will prevail.
28. Where an acoustic barrier is to be constructed for noise attenuation, the barrier must be positioned entirely within the subject property.
29. Certification is to be submitted to the Assessment Manager that any acoustic barrier or mitigation method has been constructed or enacted by a suitably qualified professional as required.

Incident notification

30. GPC Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any:
 - a. release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to land;
 - b. release / spill of contaminants (e.g. fuels / chemicals / sewerage) of any amount to water;
 - c. any environmental complaints received by the holder of this approval; and
 - d. non-compliance with the Conditions of Approval or any other environmental approval obtained in relation to the development.

Waste Management

31. At all times, maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance. Portable toilets and additional waste receptacles if required, must be removed within one (1) day after their associated function is complete.
32. Any spillage of sediment, wastes, rubbish, contaminants, or other materials must be cleaned immediately. Such waste or spillage must not be cleaned up by hosing, sweeping or otherwise releasing such materials to any stormwater drainage system, roadside gutters or waters.

Note: Waste management must be addressed in the Environmental Management Plan.

PART 1b: ASSESSMENT MANAGER ADVICE NOTES

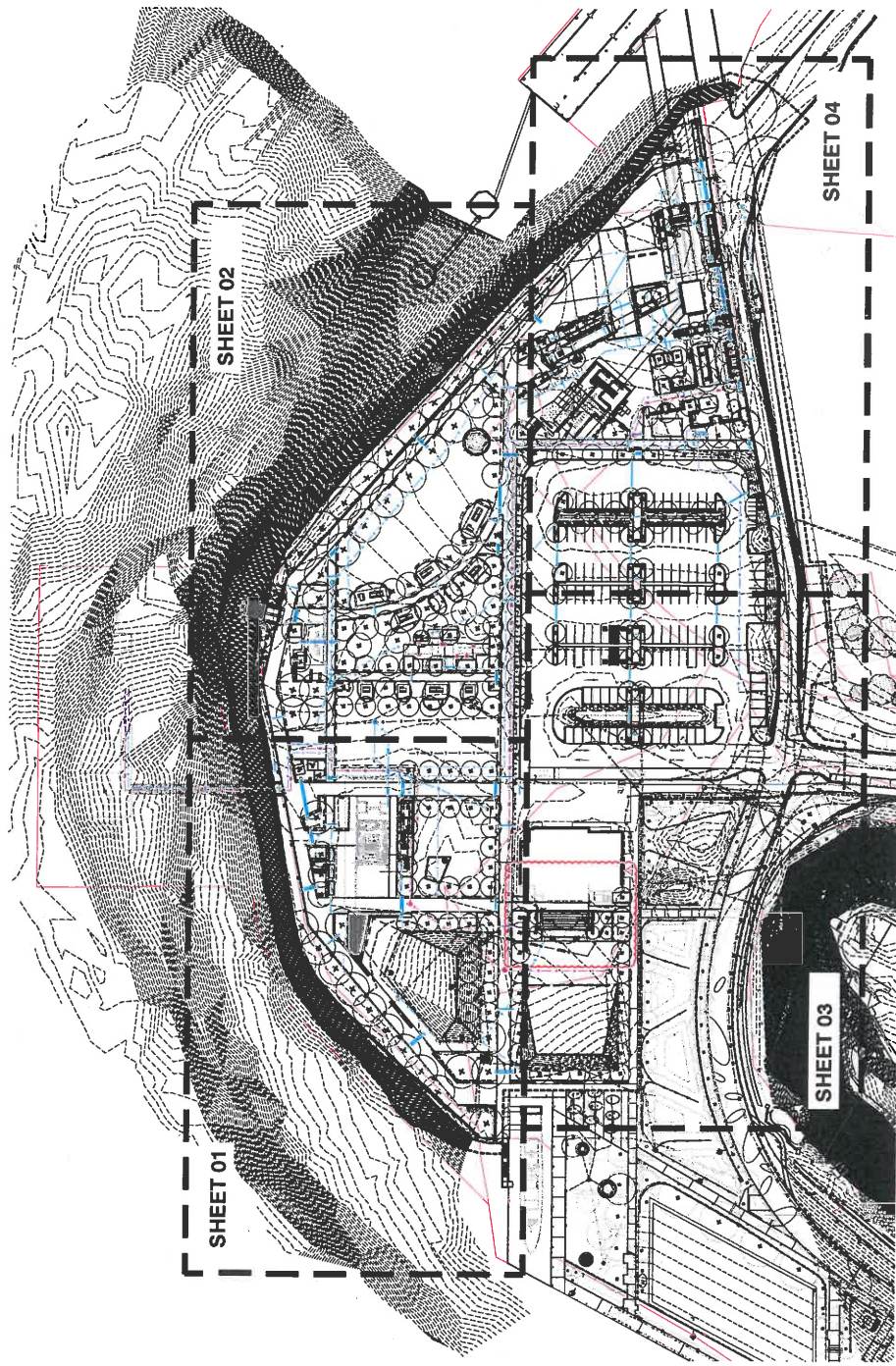
1. Part of the Development Application involves the sale and consumption of alcohol on the premises. In order for this to apply, the Approved Use is required to comply with the requirements of the *Liquor Act 1992* (Qld).
2. The uses involving the sale and consumption of alcohol on and off-premises is to be consistent with the uses approved under this Development Approval DA2020/08/01 and Development Approval DA2018/11.
3. Prior to each function being held in Function Area A or Function Area B, an approval must be obtained from GPC, in writing, which will then be decided by GPC who may or may not provide conditions of use.
4. The *Environmental Protection Act 1994* (Qld) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
5. This Decision Notice does not authorise or represent an approval for Building Works.
6. The Approved Use of the Function Area B (Open air cinema) does not include third party advertising.

ATTACHMENT 2: APPROVED PLANS AND SPECIFICATIONS

EAST SHORES STAGE 1B

GLADSTONE PORTS CORPORATION LTD

Sheet Number	Sheet Title
001-CS	COVER SHEET
001-JUG	STAGE 1 UPGRADE
002-JUG	STAGE 1 UPGRADE
100-TP	TREE PROTECTION LEGEND
101-TP	TREE PROTECTION 1
102-TP	TREE PROTECTION 2
103-TP	TREE PROTECTION 3
104-TP	TREE PROTECTION 4
200-FI	FINISHES LEGEND
201-FI	FINISHES PLAN 01
202-FI	FINISHES PLAN 02
203-FI	FINISHES PLAN 03
204-FI	FINISHES PLAN 04
251-FI	DETAIL FINISHES 01
252-FI	DETAIL FINISHES 02
300-SO	SETOUT LEGEND
301-SO	SETOUT PLAN 01
302-SO	SETOUT PLAN 02
303-SO	SETOUT PLAN 03
304-SO	SETOUT PLAN 04
360-SO	SETOUT SCHEDULES
400-GR	GRADING LEGEND
401-GR	GRADING PLAN 01
402-GR	GRADING PLAN 02
403-GR	GRADING PLAN 03
404-GR	GRADING PLAN 04
451-GR	DETAIL GRADING 01
452-GR	DETAIL GRADING 02
500-PL	PLANTING LEGEND
501-PL	TREE PLANTING 01
502-PL	TREE PLANTING 02
503-PL	TREE PLANTING 03
504-PL	TREE PLANTING 04
511-PL	PLANTING PLAN 01
512-PL	PLANTING PLAN 02
513-PL	PLANTING PLAN 03
514-PL	PLANTING PLAN 04
550-PL	PLANT SCHEDULES
600-FU	FURNITURE LEGEND
601-FU	FURNITURE PLAN 01
602-FU	FURNITURE PLAN 02
603-FU	FURNITURE PLAN 03
604-FU	FURNITURE PLAN 04
901-DT	SOFTWARES
911-DT	VISUD
921-DT	HARDSCAPE
922-DT	HARDSCAPE
931-DT	WALLS
951-DT	FURNITURE
952-DT	FURNITURE
953-DT	FURNITURE
954-DT	FURNITURE
955-DT	FURNITURE
961-DT	FENCING
962-DT	FENCING
963-DT	FENCING
966-DT	SIGNAGE
971-DT	ARTIFACTS
972-DT	ARTIFACTS
981-DT	STRUCTURES
982-DT	STRUCTURES
983-DT	STRUCTURES
984-DT	STRUCTURES
985-DT	STRUCTURES
986-DT	STRUCTURES
987-DT	STRUCTURES
988-DT	STRUCTURES
989-DT	STRUCTURES



KEY PLAN SCALE: 1:750

APPROVED
GH 13/8/20

URBIS

Level 7, 323 Albert Street | Brisbane QLD 4000 Australia | +61 7 3607 3800 | URBIS Pty Ltd | ABN 50 105 526 228

Gladstone Ports Corporation
Gladstone Ports Corporation

CLIENT

PROJECT ADDRESS
FLINDERS PARADE
GLADSTONE QLD

ISSUE
FOR CONSTRUCTION

SCALE

DRAWING NO.
001-CS

PROJECT NO.
NORTH

REVISION
00

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REV DESCRIPTION

00	FOR CONSTRUCTION
D	FOR TENDER
C	CLIENT REVIEW
B	70% DESIGN
A	40% DESIGN

DWN CHK DATE
 08/10/18
 09/10/18
 12/10/18
 31/08/18
 28/05/18

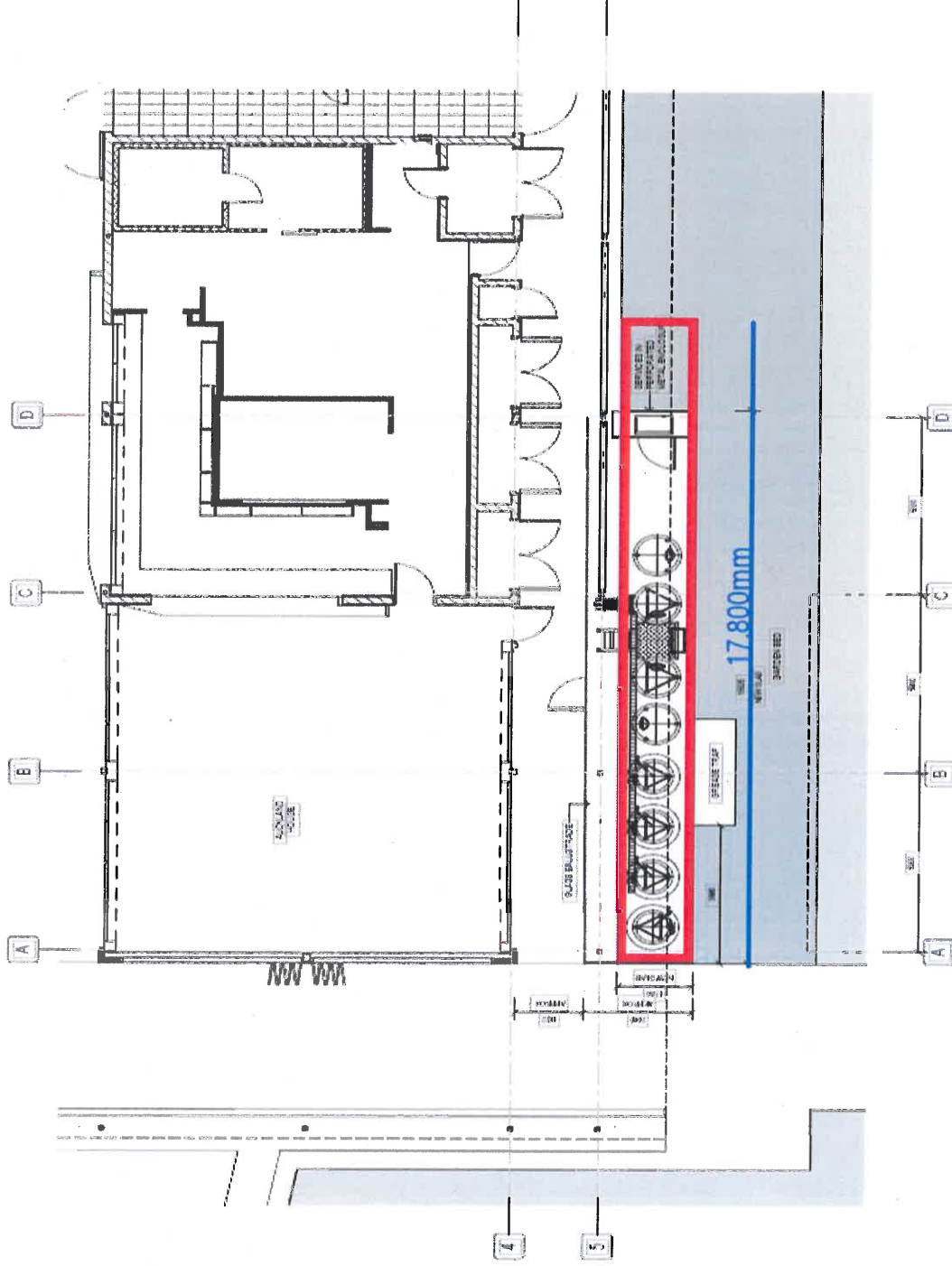
PROJECT DIRECTOR, PH

KEY PLAN

THIS DRAWING HAS BEEN REVIEWED TO BE PRINTED IN FULL COLOR. THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE A PRINTED COPY OF THIS DRAWING IN FULL COLOR IS NOT WAIVED BY THIS STATEMENT.

Microbrewery placement (approximate)

CONFIRM ALL DIMENSIONS ON SITE



APPROVED

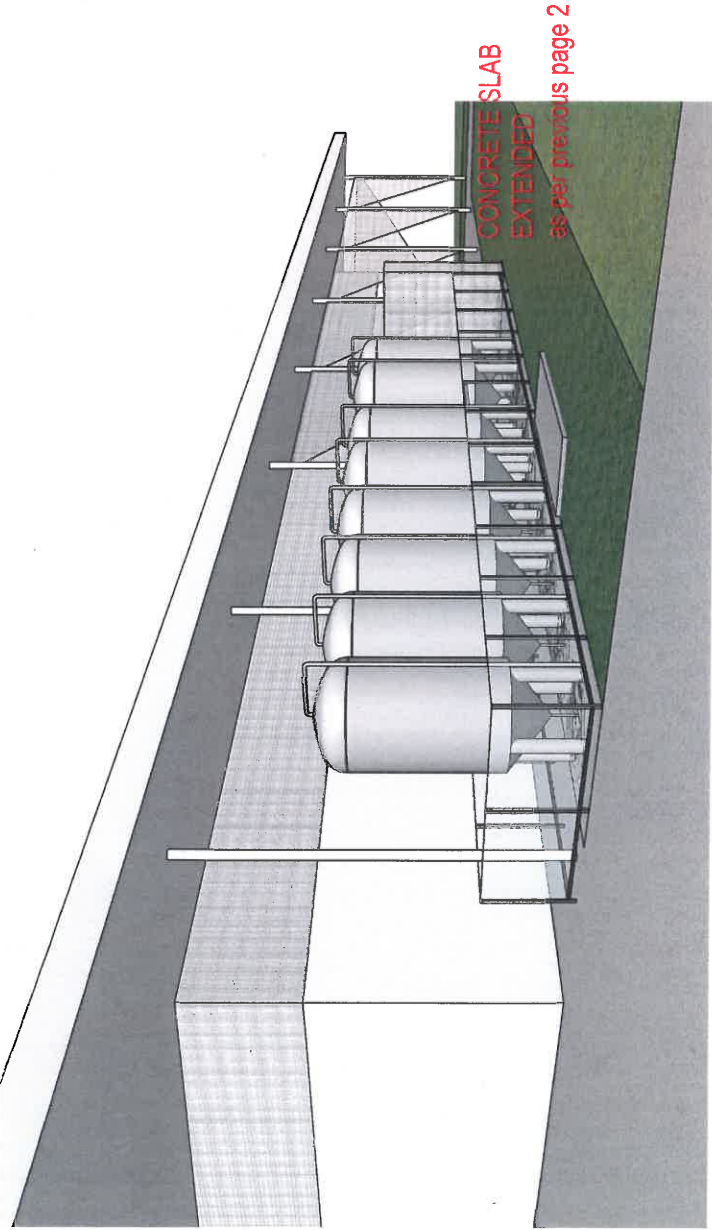
GH 13/8/20



BREWERY PLAN
SK019
drawing:
scale: 1:100 @ A3

THE
ARTIFICIAL
EAST SHORES BREWERY

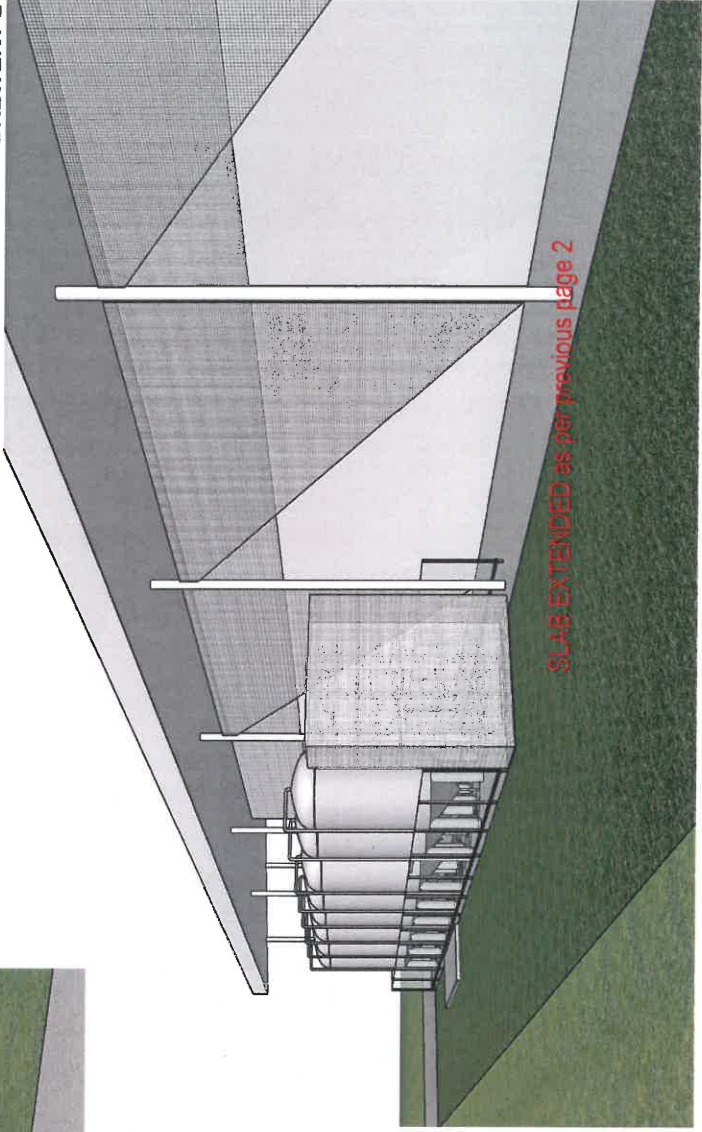
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BREWERY 1

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BREWERY 2



**Elevations
 As Amended 13/08/2020**

THE
ARTIFICIAL

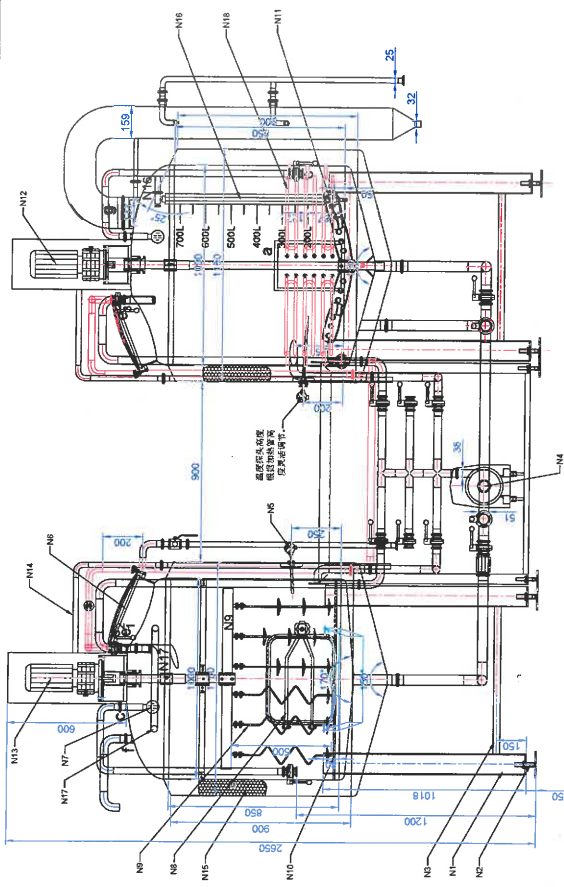
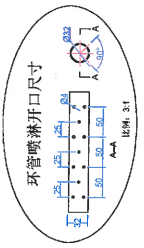
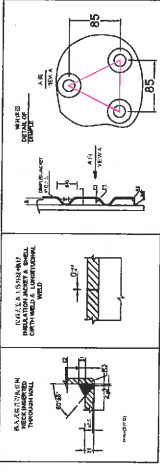
EAST SHORES BREWERY

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Technical Parameters (技术参数)

Design code (设计代码)	/
Material (材质)	Interior (内层) SUS304 Exterior (外层) SUS304
Operating pressure (操作压力) Mpa	/
Design pressure (设计压力) Mpa	/
Storage medium (储存介质)	Water (设计)
Operating temperature (操作温度) °C	10-140
Design temperature (设计温度) °C	0-150
Inner tank radiography (内胆探伤)	/
Tank dimension (罐尺寸) mm	Ø1160*2650
Quantity (数量)	1
Heating method (加热方式)	Electric heating (电加热)
Insulation material (保温材料)	Polyurethane (聚氨酯)
Insulation thickness (保温层厚度) mm	80
Outer tank thickness (外壳厚度) mm	2.0
Inner cylinder thickness (内胆筒体厚度) mm	3.0
Cover tank thickness (封头厚度) mm	4.0
Inner cone thickness (内胆下锥厚度) mm	3.0
Cone angle (锥角)	150°/170°
Effective volume (有效容积) L	500
Total volume (总容积) L	3667

APPROVED
 9/13/8/20



N17	外购	本国	Heating element (电加热管)	6*9KW	/	/	/	/
N18	外购	本国	Spray ring (喷淋环)	Clamp (卡箍)	Ø58mm	1	SUS304	Center
N16	外购	本国	Level gauge (液面液位计)	Clamp (卡箍)	/	1	/	/
N15	本图	本图	Thermal insulation layer (保温层)	/	80	/	PU	/
N14	本图	本图	Spoon (穿线管)	/	Ø25	2	SUS304	/
N13	外购	外购	Rake knife motor (刮刀电机)	Flange (法兰)	1.1kw/69	1	SUS304	Center
N12	外购	外购	Agitator motor (搅拌电机)	Flange (法兰)	0.75kw/26	1	SUS304	Center
N11	本图	本图	Agitator (搅拌)	/	/	1	SUS304	Center
N10	外购	外购	Sieve plate (筛板支撑柱)	/	/	1	SUS304	Center
N9	本图	本图	Rake knife (刮刀)	/	/	1	SUS304	Center
N8	外购	外购	Vinaesse door (出酒门)	Welding (焊接)	430*330	1	SUS304	270°
N7	外购	外购	Cleaning ball (清洗球)	Thread (螺纹)	Ø32	2	SUS304	/
N6	外购	外购	Mesh sieve (八孔中心网或三孔网)	Welding (焊接)	Ø350	2	SUS304	/
N5	外购	外购	Temperature probe (温度探头)	Thread (螺纹)	Ø25	2	PT100	/
N4	本图	本图	Wort pump (麦汁泵)	/	0.75kw	1	/	/
N3	本图	本图	Leg brace (支腿拉撑)	Welding (焊接)	Ø32mm	6	SUS304	Ø1210*1030P
N2	外购	外购	Adjusting bock (调节螺栓)	Thread (螺纹)	M20	6	SUS304	Ø1210*1030P
N1	本图	本图	Supporting leg (支腿)	Welding (焊接)	Ø108mm	6	SUS304	Ø1210*1030P
NO.	Mark (代号)	Name (名称)	Connecting style (连接方式)	Size (尺寸)	Qty (数量)	Material (材料)	Remarks (备注)	

NDLCRAFT

山东申东发酵装备有限公司
 Shandong Shendong Fermentation Equipment Co. Ltd.

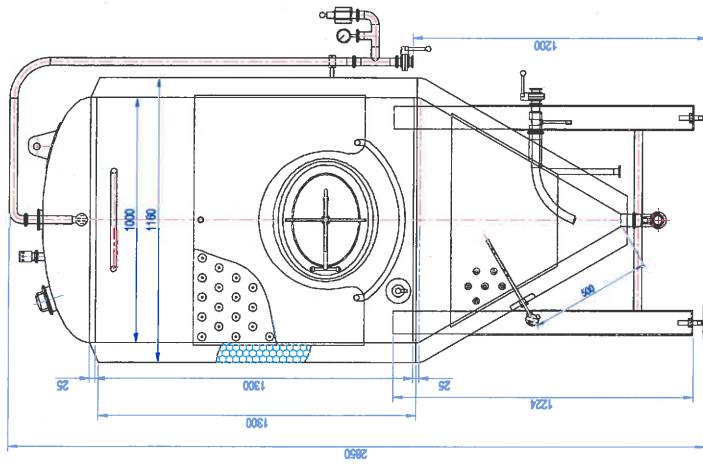
Version	P0	500L Brewhouse 两体两器
Designer	马丹	
Technician		
Verifier		
Scale	1 : 35	
Weight		
Date		NO.2020-02-14

内胆: 酸洗钝化
 外包: 拉丝板
 封头: 拉丝

Table of pipe connection (管口表)

NO. (序号)	Size (尺寸)	Purpose (用途)	Connecting style (连接方式)
a	/	Junction box (接线盒)	/
b	/	/	/
c	Ø32*1.5	CIP port (CIP接口)	Clamp (卡箍)
d	/	/	/
e	Ø38*1.5	Hot water port (热水接口)	Clamp (卡箍)
f	Ø38*1.5	Steam port (蒸汽口)	Clamp (卡箍)
g	Ø159	Steam outlet (蒸汽出口)	Clamp (卡箍)

Technical Standards (技术标准):
 1. 罐体焊缝应保证平齐, 不得有凹凸棱角及划痕。
 The welding line should be smooth and tidy, concave & convex edges and scratches are not allowed.
 2. 焊缝抛光到Ra小于0.8微米
 The polishing accuracy of welding line should be <0.8µm
 3. 自动焊接的焊缝, 保留焊道; 手动焊接的焊缝, 焊道抛光处理; 所有焊缝抛砂光带, 宽度40mm。
 The welding seam that welded by machinery, it will be kept. The welding seam that welded by manually, it will be polished; all welds are sanded with a width of 40mm.



APPROVED

GA 13/8/20



山东申东发酵装备有限公司
Shandong Shendong Fermentation Equipment Co., Ltd.

Version	RO	1000L 发酵罐	NO.2020-02-07
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Drawing 1 – Function Areas Including Open Air Cinema



APPROVED
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ATTACHMENT 3: EXTRACT OF APPEAL PROVISIONS

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

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- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none">(a) the refusal of all or part of the development application; or(b) the deemed refusal of the development application; or(c) a provision of the development approval; or(d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p>
<p>3. Extension applications</p> <p>For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal—the applicant</p>	<p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p>
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

**Table 2
Appeals to the P&E Court only**

<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

**Table 2
Appeals to the P&E Court only**

3. Eligible submitter and eligible advice agency appeals
 For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—
 (a) any part of the development application or change application that required impact assessment; or
 (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency’s referral response—the concurrence agency	Another eligible submitter for the application

4. Compensation claims
 An appeal may be made against—
 (a) a decision under section 32 about a compensation claim; or
 (b) a decision under section 265 about a claim for compensation; or
 (c) a deemed refusal of a claim under paragraph (a) or (b).

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
<p>5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<p>6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

Schedule 1

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3 Appeals to a tribunal only			
<p>1. Building advisory agency appeals</p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>

Table 3 Appeals to a tribunal only			
<p>2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			

Table 3 Appeals to a tribunal only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—