

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00227805

This registration certificate is issued by the administering authority and takes effect from: 3 April 2012.

The anniversary day for the purposes of the Annual Return remains: 15 December.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activity listed below at the following place; subject to the conditions set out in a development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-

Impact Fertilisers Pty Ltd
171 Derwent Park Road
DERWENT PARK TAS 7009

Development Approval:-

IPDE02191110 (formerly known as SR0626)

Place:-

Lot 1181 Plan SP153112

Located at:-

28 Savage Street, PINKENBA QLD 4008

Registered Activity:-

ERA 7 Chemical manufacturing Threshold 4(b) - manufacturing, in a year, the following quantities of fertiliser - more than 5000t



Shari Murphy
Department of Environment and Resource Management
Environmental Protection Act 1994

03-APR-2012

Replacement Development Approval Section 621(4) *Environmental Protection Act 1994*

EPA Development Application (Converted Environmental Authority) number:	ENDC00231405 SR0626
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and subordinate legislation

Under the provisions of the *Environmental Protection Act 1994* this development approval is issued to:

Summit Rural (Qld) Pty Ltd
5 Farrer Street
PINKENBA QLD 4008

Development Description:

Carrying out of Environmentally Relevant Activity (ERA):

ERA 6(b) - Chemical manufacturing, processing or mixing - manufacturing or processing an inorganic chemical, organic chemical or chemical product, or mixing inorganic chemicals, organic chemicals or chemical products, in a plant or works having a design production capacity of 20 000 tonnes or more but less than 100 000 tonnes per year.

at the following place(s):

Lot 858 SL7881

located at:

Cnr Savage Street and Curtin Avenue
PINKENBA QLD 4008

The environmentally relevant activity must be constructed, operated and maintained in accordance with the conditions as set out in the attached schedule of conditions.

Further development permits required

Nil

Additional information for applicants

This approval pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any further approval for this development which might be required by other State and/or Commonwealth legislation. Applicants are advised to check with all relevant statutory authorities. Applicants also should comply with all relevant legislation.

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It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware a Notifiable Activity (as defined under schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Appeal

This development approval is issued pursuant to section 621 of the *Environmental Protection Act 1994*. The rights of review and appeal are attached to this notice.

This development approval takes effect 10 Business days after you receive this notice, or if there is an appeal from the day the appeal is finally decided or is otherwise ended.

Lawrie Wade

Signed

30 June 2005

Date

Lawrie Wade
Manager (Licensing)
Delegate of Administering Authority
Environmental Protection Act 1994

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Conditions of the development approval

This development approval consists of the following schedules of conditions relevant to various issues:

The aforementioned description of the environmentally relevant activity (ERA) for which this Development Approval is issued is simply a restatement of the activity as prescribed in the legislation at the time of issuing the approval. Where there is any conflict between the above description of the ERA for which this Development Approval is issued and the conditions as specified in this Development Approval as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This Authority incorporates the following schedules of conditions relevant to various issues:

- Schedule A - General Conditions
- Schedule B - Air
- Schedule C - Water
- Schedule D - Stormwater Management
- Schedule E - Land Application
- Schedule F - Noise
- Schedule G - Waste Management
- Schedule H - Self Monitoring and Reporting
- Schedule I - Definitions

SCHEDULE A - GENERAL CONDITIONS

Maintenance of Plant and Equipment

(A1) The holder of this development approval must:

- (i) install all plant and equipment necessary to ensure compliance with the conditions; and
- (ii) maintain such plant and equipment in a proper and efficient condition; and
- (iii) operate such plant and equipment in a proper and efficient manner.

In this condition, "plant and equipment" includes:

- (i) plant and equipment used to prevent and/or minimise the likelihood environmental harm being caused;
- (ii) devices and structures to contain foreseeable escapes of contaminants and waste;
- (iii) devices and structures used to store, handle, treat and dispose of waste;
- (iv) monitoring equipment and associated alarms; and
- (v) backup systems that act in the event of failure of a primary system.

Display of Development approval

(A2) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.

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Records

- (A3) Except as otherwise stated by the conditions of this development approval, any record or document required to be kept by a condition of this development approval must be kept at the licensed place for a period of at least five (5) years and be available for examination by an authorised person. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.
- (A4) Copies of any record required to be kept by a condition of this development approval must be provided to any authorised person or the administering authority on request.

Alterations

- (A5) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this development approval.

An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quality of the contaminant to be released into the environment.

End of Conditions for Schedule A

SCHEDULE B - AIR

- (B1) All bulk fertilizer handling and transfer equipment, including tipping, conveying, blending and bagging equipment, must be operated and maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
- (i) regular cleaning of equipment;
 - (ii) use of dust suppressants; and
 - (iii) use of shielding and wind breaks.

End of Conditions for Schedule B

SCHEDULE C - WATER

Release of Contaminants to Waters

- (C1) Contaminants that will or may cause environmental harm must not be directly or indirectly released from the licensed place to any waters or the bed and banks of any waters.

End of Conditions for Schedule C

SCHEDULE D - STORMWATER MANAGEMENT

- (D1) All material handling areas must be roofed and constructed so as to prevent the contact of incident rainfall with contaminants or wastes.
- (D2) The licensed site must be sealed and/or graded to ensure that water does not "pond" on site.

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- (D3) The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in areas from where contaminants cannot be released into any waters, roadside gutter or stormwater drainage system.
- (D4) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.

End of Conditions for Schedule D

SCHEDULE E - LAND APPLICATION

Release of Contaminants to Land

- (E1) There must be no release nor likelihood of release of any contaminants to land.

End of Conditions for Schedule E

SCHEDULE F - NOISE

Emission of Noise

- (F1) In the event of a complaint about noise that constitutes annoyance being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise from the licensed place must not result in levels greater than those specified in Table 1 of the noise schedule.

SCHEDULE F - TABLE 1

Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj, T}$	Period
Background noise level plus 5 dB(A)	7 am - 6 pm
Background noise level plus 5 dB(A)	6 pm - 10 pm
Background noise level plus 3 dB(A)	10 pm - 7 am
Noise Limits at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax\ adj, T}$	Period
Background noise level plus 10 dB(A)	7 am - 6 pm
Background noise level plus 10 dB(A)	6 pm - 10 pm
Background noise level plus 8 dB(A)	10 pm - 7 am

End of Conditions for Schedule F

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SCHEDULE G - WASTE MANAGEMENT

General

- (G1) Waste must not be released to the environment, stored, transferred or disposed of contrary to any condition of this development approval.
- (G2) The holder of this development approval must not:
- (i) burn waste at or on the licensed place; nor
 - (ii) allow waste to burn or be burnt at or on the licensed place; nor
 - (iii) remove waste from the licensed place and burn such waste elsewhere.

except in accordance with the conditions of an development approval.

End of Conditions for Schedule G

SCHEDULE H - SELF MONITORING AND REPORTING

Complaint Recording

- (H1) All complaints received by the holder of this development approval relating to releases of contaminants from operations at the licensed place must be recorded and kept in a log book with the following details:
- (i) time, date and nature of complaint;
 - (ii) type of communication (telephone, letter, personal etc.);
 - (iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
 - (iv) response and investigation undertaken as a result of the complaint;
 - (v) name of person responsible for investigating complaint; and
 - (vi) action taken as a result of the complaint investigation and signature of responsible person.

Incident Recording

- (H2) A record must be maintained of the time, date and duration of pollution control equipment failure or malfunction where such failure or malfunction may result in environmental contamination.

Notification of Emergencies and Incidents

- (H3) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of this development approval must notify the administering authority of the release by telephone or facsimile.
- (H4) The notification of emergencies or incidents as required by condition number H3 must include but not be limited to the following:
- (i) the holder of the development approval;
 - (ii) the location of the emergency or incident;
 - (iii) the number of the development approval;
 - (iv) the name and telephone number of the designated contact person;
 - (v) the time of the release;
 - (vi) the time the holder of the development approval became aware of the release;
 - (vii) the suspected cause of the release;

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- (viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
 - (ix) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.
- (H5) Not more than 14 days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with condition number H4 in addition to:
- (i) proposed actions to prevent a recurrence of the emergency or incident; and
 - (ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
 - (iii) the results of any environmental monitoring performed.

Noise Monitoring

- (H6) For the purposes of investigating a complaint of noise annoyance and for checking compliance with condition F1, monitoring and recording of the noise levels from the activity/activities must be undertaken for the following descriptors, characteristics and conditions:
- (i) $L_{Amax, adj T}$;
 - (ii) $L_{Aeq, T}$ OR $L_{A90, T}$;
 - (iii) $L_{AN, T}$ (where N equals statistical levels of 1, 10, 50, 90 and 99);
 - (iv) $L_{pA, T}$;
 - (v) $L_{Aeq, T}$;
 - (vi) the level and frequency of occurrence of impulsive or tonal noise;
 - (vii) atmospheric conditions including temperature, relative humidity and wind speed and direction; and
 - (viii) effects due to extraneous factors such as traffic noise.
- (H7) The holder of this development approval must monitor and record the noise levels to check compliance with the conditions of this authority not less frequently than on receipt of a written request by the administering authority to perform such monitoring.
- (H8) The method of measurement and reporting of noise levels must comply with the Department of Environment and Heritage Noise Measurement Manual, second edition, March 1995, or more recent additions or supplements to that document as become available.
- (H9) The measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.
- (H10) Records must be kept of the results of all monitoring of noise levels and other information required to be recorded in conjunction with such monitoring for a period of at least three (3) years.

End of Conditions for Schedule H

SCHEDULE I - DEFINITIONS

For the purposes of this development approval the following definitions apply:

- (I1) "cubic metre" ("m³") means the volume of dry gaseous contaminant which occupies 1 cubic metre at a temperature of zero degrees Celsius and at an absolute pressure of 101.3 kilopascals.
- (I2) "Odour level" ("OU") of a sample means the odour level measured in accordance with the Department of Environment and Heritage laboratory method no.6 "Determination of odour concentration by dynamic olfactometry" (March 1995) as amended from time to time.

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- (13) " $L_{Amax\ adj, T}$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response.
- (14) "background noise level" means either:
- $L_{A90, T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response, or
- $L_{A90, T}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a representative time period of not less than 15 minutes, using Fast response.
- (15) "noise sensitive place" means -
- (a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
 - (b) a motel, hotel or hostel; or
 - (c) a kindergarten, school, university or other educational institution; or
 - (d) a medical centre or hospital; or
 - (e) a protected area; or
 - (f) a park or gardens.
- (16) "commercial place" means a place used as an office or for business or commercial purposes.
- (17) "annoyance". In determining what constitutes "annoyance", regard must be had to Australian Standard 1055.2 -1989 Acoustics - Description and Measurement of Environmental Noise Part 2 Application to specific situations.
- (18) "events" means uncontrolled or irregular release events.

End of Conditions for Schedule I

END OF CONDITIONS



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Extract from the Integrated Planning Act 1997

Division 8—Appeals to court relating to development applications

Appeals by applicants

- 4.1.27 (1) An applicant for a development application may appeal to the court against any of the following -
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **“applicant’s appeal period”**) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Appeals by submitters

- 4.1.28 (1) A submitter for a development application may appeal to the court about -
- (a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
 - (b) the length of a currency period for the approval.
- (2) The appeal must be started within 20 business days (the **“submitter’s appeal period”**) after the day the decision notice or negotiated decision notice is given to the submitter.
- (3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.
- (4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

Appeals by advice agency submitters

- 4.1.29 (1) An advice agency may, within the limits of its jurisdiction, appeal to the court about the giving of a development approval for a development application if -
- (a) the development application involves impact assessment; and
 - (b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.
- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated notice is given to the advice agency as a submitter.

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Appeals for matters arising after approval given (co-respondents)

- 4.1.30 (1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -
- (a) a notice giving a decision on a request for an extension of the currency period for an approval;
 - (b) a notice giving a decision on a request to make a minor change to an approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

Division 9 - Appeals to court about other matters

Appeals for matters arising after approval given (no co-respondents)

- 4.1.31 (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -
- (a) a notice giving a decision on a request to change or cancel a condition of a development approval;
 - (b) a notice under section 6.1.44 giving a decision to change or cancel a condition of a development approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Appeals against enforcement notices

- 4.1.32 (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

Stay of operation of enforcement notice

- 4.1.33 (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until -
- (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about -
- (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) carrying out development that is the demolition of a work.

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Appeals against decisions on compensation claims

- 4.1.34 (1) A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against -
- (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started with 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

Appeals against decisions on requests to acquire designated land under hardship

- 4.1.35 (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against -
- (a) the decision; or
 - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

Appeals from tribunals

- 4.1.37 (1) A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground -
- (a) of error or mistake in law on the part of the tribunal; or
 - (b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

Court may remit matter to tribunal

- 4.1.38 If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

Division 10 - Making an appeal to court

How appeals to the court are started

- 4.1.39 (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
 - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
 - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

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Certain appellants must obtain information about submitters

- 4.1.40 (1) If the applicant or a submitter for a development application appeals about the part of the application involving impact assessment, the appellant must ask the assessment manager to give the appellant the name and address of each principal submitter who made a properly made submission about the application and has not withdrawn the submission.
- (2) The assessment manager must give the information requested under subsection (1) as soon as practicable.

Notice of appeal to other parties (div 8)

- 4.1.41 (1) An appellant under division 8 must, within 10 business days after the day the appeal is started (or if information is requested under section 4.1.40, within 10 business days after the day the appellant is given the information) give written notice of the appeal to -
- (a) if the appellant is an applicant - the assessment manager, any concurrence agency, any principal submitter whose submission has not been withdrawn and any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal - the assessment manager, the applicant and any concurrence agency; or
 - (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given - the assessment manager and any entity that was a concurrence agency for the development application.
- (2) The notice must state -
- (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43 - that the person, within 10 business days after the day the notice is given, may elect to become a co-respondent to the appeal.

Notice of appeal to other parties (div 9)

- 4.1.42 (1) An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to -
- (a) if the appellant is a person to whom a notice mentioned in section 4.1.31⁷³ has been given - the entity that gave the notice; or
 - (b) if the appellant is a person to whom an enforcement notice is given - the entity that gave the notice and if the entity is not the local government, the local government; or
 - (c) if the appellant is a person dissatisfied with a decision about compensation - the local government that decided the claim; or
 - (d) if the appellant is a person dissatisfied with a decision about acquiring designated land - the designator; or
 - (e) if the appellant is a person who is disqualified as a private certifier - the entity disqualifying the person and if the entity disqualifying the person is not the accrediting body, the accrediting body; or
 - (f) if the appellant is a party to a proceeding decided by a tribunal - the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

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Respondent and co-respondents for appeals under div 8

- 4.1.43 (1) This section applies to appeals under division 8 for a development application.
- (2) The assessment manager is the respondent for the appeal.
 - (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
 - (4) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.
 - (5) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
 - (6) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
 - (7) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.

Respondent and co-respondents for appeals under div 9

- 4.1.44 (1) This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.
- (2) The entity given written notice is the respondent for the appeal.
 - (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
 - (4) The second entity mentioned in the provision may elect to be a co-respondent.

How a person may elect to be co-respondent

- 4.1.45 (1) An entity elects to be a co-respondent by lodging in the court, within 10 business days after the day the notice of the appeal is given to the entity, a notice of election under the rules of court.
- (2) If a principal submitter is entitled to elect to become a co-respondent, any other submitter for the submission may also elect to become a co-respondent to the appeal.

Minister entitled to be represented in an appeal involving a State interest

- 4.1.46 If the Minister is satisfied that an appeal involves a State interest, the Minister is entitled to be represented in the appeal.

Lodging appeal stops certain actions

- 4.1.47 (1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

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