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environmental licences and permits

Registration certificate

Environmental Protection Act 1994

Certificate of Registration

No: ENRE00920909

This registration certificate is issued by the administering authority and takes effect from: 02-FEB-2011.

The anniversary day for the purposes of the Annual Return remains: 23 April.

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:-
J N and R A Cooper Pty Ltd
C/- Willowbank Developments
110 Toongarra Road, WULKURAKA QLD 4305

Place:-
Lot 13 Plan SP130880
Located at:-
Cunningham Highway,WILLOWBANK QLD 4306
Registered Activity: -
ERA 63 Sewage treatment Threshold 2(b) - operating sewage treatment works, other than no-release works, with a total daily peak design capacity of more than 100 to 1500EP (i) if treated effluent is discharged to an infiltration trench or through an irrigation scheme

C. E. Birt

Cathy Birt
Delegate
Administering authority
Environmental Protection Act 1994

02-FEB-2011

Decision Notice - Approval

Section 3.5.15 *Integrated Planning Act 1997*

This notice replaces the notice issued on 17April 2002

Applicant:	JN & RA Cooper Pty Ltd
EPA Development Application number:	SR0260DA
Date application received by EPA:	5 March 2002
Date of decision:	22 October 2003
Relevant Laws and Policies:	*Environmental Protection Act 1994* and subordinate legislation
Jurisdiction:	Part 1 item 1 of Schedule 1a of the Integrated Planning Regulation 1998 and Part 2 item 1 of Schedule 1a of the Integrated Planning Regulation 1998

Development Description:

Carrying out of Environmentally Relevant Activity (ERA):

15(b) Sewage treatment - Operating a standard sewage treatment works having a peak design capacity to treat sewage of 100 or more equivalent persons but less than 1 500 equivalent persons

at the following place(s):

Lot 13 SP130880

located at:

Amberley Caravan Park, Cunningham Highway, Willowbank

Type of development

Material change of use of premises - the start of a new use of the premises / a material change in the intensity or scale of the use of the premises. The holder of an environmental authority, or development approval, for an environmentally relevant activity proposes to carry out works for the construction or alteration of premises, or for the installation or alteration of plant or equipment in premises, for carrying out the activity; and the construction, alteration or installation will result in an increase of 10% or more in the release of contaminant into the environment under the authority or approval.

Decision on Development Application

In deciding the application, the Environmental Protection Agency, as assessment manager approves all of the application subject to conditions decided by the assessment manager and includes in the approval any concurrence agency conditions as a development permit.

Further development permits required

Nil

Referral agencies

Concurrence Agencies:	'Nil'
Advice Agencies:	'Nil'
Referral Agencies:	'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.

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

When issuing a decision notice under the *Integrated Planning Act 1997*, the assessment manager must state the rights of appeal for the applicant (section 3.5.15(2)(j)). The rights of appeal are attached to the back of this notice.

Signed

22/10/03
Date

DJ Brown
Manager (Licensing)
Delegate of Administering Authority
Environmental Protection Act 1994

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 this development 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 development approval authorises the ERA. It does not authorise environmental harm unless a concurrence agency condition within this development approval explicitly authorises that harm. Where there is no condition or the development approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

- Schedule A - Activity
- Schedule B - Air
- Schedule C - Water
- Schedule D - Noise
- Schedule E - Waste
- Schedule F - Land
- Schedule G - Community
- Schedule H - Definitions
- Schedule I - Maps / Plans

Schedule A - Activity

Prevent and / or Minimise Likelihood Of Environmental Harm

(A1) In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have be prevented, shall be carried out in a proper manner in accordance with the conditions of this authority.

NOTE: This authority authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this authority explicitly authorises that harm. Where there is no condition or the authority is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

Maintenance of Measures, Plant and Equipment

(A2) The holder must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- maintain such measures, plant and equipment in a proper and efficient condition. In particular, undertake the repairs recommended in the Site Based Management Plan, and provide the EPA with confirmation of their completion by 30 June 2002 ; and
- operate such measures, plant and equipment in a proper and efficient manner.

Display of Environmental Authority

(A3) A copy of this environmental authority must be kept in a location readily accessible to personnel carrying out the activity.

Site based management plan

(A4) Implement the Site Based Management Plan (SBMP) entitled "Site Based Waste Water Management Plan for Existing Amberley Caravan Park, Cunningham Highway, Willowbank", dated November 2001.

(A5) Where discrepancies exist between this authority and the SBMP, this authority shall take precedence.

(A6) A copy of the SBMP must be kept in a location readily accessible to personnel carrying out the activity and be available for examination by an authorised person on request.

Records

(A7) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

(A8) Records must be kept for five years, and must include at least the following information:

a) quality and quantity of waste water released from the treatment pond;
b) results of soil monitoring;
c) records of transport of regulated waste;

(A9) Notify the administering authority as soon as practicable when the release of contaminants is not in accordance with the conditions of this document or any event where environmental harm may be threatened

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Nuisance

(B1) The release of noxious or offensive odours or any other noxious or offensive airborne contaminants, including but not limited to dust, spray-drift, smoke, aerosols, fumes resulting from the activity must not extend beyond the boundaries of the irrigation areas.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Monitoring of releases to waters

(C1) Monitoring must be undertaken and records kept of all releases of contaminants from the treatment pond to waters. (Note "waters" include perennial streams.) During releases of contaminants to waters, sampling must be undertaken at least every 48 hours. All determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual;
- carried out on samples that are representative of the discharge;
- made for the parameters specified in Schedule C - Table 1.

Schedule C - Table 1 (Release limits to waters)

Quality characteristics	Minimum	80th Percentile	Maximum
5-day Biochemical Oxygen Demand (inhibited)		20 mg/L	60 mg/L
Total Nitrogen (as Nitrogen)		10 mg/L	20 mg/L
pH	6		9
Dissolved Oxygen	2.0 mg/L		
Faecal Coliforms	150 organisms per 100 mL as a median value (minimum of 5 samples taken at not less than half-hourly intervals in any one day, with 4 out of the 5 samples containing less than 600 organisms per 100 mL)		

Release to Waters

(C2) Contaminants that may cause environmental harm must not be directly or indirectly released from any source on the licensed place to any waters at any location other than the release of treated waste water from the corresponding release point(s) at the locations listed below:

a) prior to 30 September 2002, the treatment pond;

b) from 30 September 2002, the weir of the treatment pond;

and only then:

(i) in compliance with the release limits listed in Schedule C Table 1; and

(ii) in periods of wet weather when:

(1) no further irrigation of waste water in accordance with this environmental authority is possible; and

(2) the wet weather storage is full; and

(3) the release is necessitated by a rainfall event exceeding 1 in 10 years average recurrence interval.

Wet weather storage

(C3) By 30 June 2002, provide the EPA with details of how the capacity of wet weather storage of waste water will be increased to 10 days.

(C4) By 30 September 2002, provide a minimum of 10 days wet weather storage for the waste water treatment system.

Quantity of waste water released to waters

(C5) The total quantity of contaminants released to waters via the release points listed in Schedule C - Table 2, must not exceed the respective quantities stated for each release point in Schedule C - Table 2 on any dry weather day or on any one day.

Schedule C - Table 2 (Release quantities)

Maximum permitted quantity of release		
Release point	Maximum release on any dry weather day	Maximum release on any one day
The treatment pond (prior to 30 September 2002)	0	25kL
The weir of the treatment pond (from 30 September 2002)	0	25kL

(C6) From 30 September 2002, the daily volume of contaminants released to waters must be determined or estimated by an appropriate method, for example a flow meter, or a "V" notch weir and records kept of such determinations and estimates.

Stormwater management

(C7) There must be no release of stormwater runoff that has been in contact with any contaminants at the licensed place to any waters, roadside gutter or stormwater drain.

Treatment Pond

(C8) The pond used for the storage or treatment of sewage waste water at or on the authorised place must be maintained:
- so as to minimise the likelihood of any release of waste water through the bed or banks of the pond to any waters (including ground water);
- so that a freeboard of not less than of not less than 0.5 metres is maintained at all times, except in emergencies; and
- so as to ensure the stability of the pond.

(C9) From 30 September 2002, suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from entering any ponds or other structures used for the storage or treatment or reuse of sewage waste water.

(C10) By 30 June 2002, submit to the EPA, an Algal Management Plan for the waste water treatment pond.

Retention Period

(C11) By 30 June 2002, provide the EPA with

a) an assessment of the efficacy of the current system, with regard to "30 day retention of effluent" in the treatment pond; and

b) if the assessment finds the current system deficient with regard to "30 day retention of effluent":

(i) by 30 June 2002, provide a proposal to rectify the deficiency; and;

(ii) by 30 September 2002, install the measures to ensure 30 retention of effluent in the treatment pond.

Groundwater monitoring

(C12) By 30 June 2002, establish and implement a "groundwater monitoring program" which must include at least:

(a) the selection and of at least 1 groundwater monitor bore; and
(b) sampling and analysis groundwater every year; and
(c) analysis of groundwater samples for the concentrations as listed in Schedule C – table 3.

Schedule C - Table 3 (Groundwater monitoring)

QUALITY CHARACTERISTICS	UNITS
pH	pH scale
Thermotolerant coliforms	(org/100mL)
5-day Biochemical Oxygen Demand (inhibited)	mg/kg
Specific Conductance or electrical conductivity	µS/cm
Total Nitrogen	% or mg/kg
Total Calcium	meq/100 g
Total Chloride	mg/kg
Total Sodium	meq/100 g

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise

(D1) Noise from activities must not cause an environmental nuisance at any noise sensitive place or any commercial place.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

Sludge Handling

(E1) Regulated waste must be handled and transferred in a proper and efficient manner to prevent any leakage or spillage of waste.

Note: Sewage sludge is a Regulated Waste under the Environmental Protection Regulations 1998.

Removal of regulated waste

(E2) If regulated waste is removed from the licensed place by any means other than by a release as permitted under another schedule of this environmental authority, and such removal is done either:

a) commercially; or
b) in quantities greater than 250 kg;

you must ensure that such waste is collected and transported by a 'regulated waste transport vehicle' licensed under the *Environmental Protection Act* and monitor and keep records of the following:

(i) 'Registered vehicle **number**
(iii) date of pickup of waste;
(iii) description of waste;
(iv) cross reference to relevant waste transport documentation;
(v) quantity of waste;
(vi) origin of the waste;
(vii) destination of the waste; and

c) intended fate of the waste, for example, type of waste treatment, reprocessing or disposal.

Note: Records of documents maintained in compliance with a waste tracking system established under the Environmental Protection Act 1994 or any other law for regulated waste will be deemed to satisfy this condition.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Source of waste water

(F1) The only contaminants to be released to land are those contained in treated waste water from the treatment pond.

Land Disposal area and location

(F2) The only areas that sewage waste water can be applied are the areas identified in the Site Based Waste Water Management Plan dated November 2001.

Monitoring of Contaminant Releases from the Sewage Treatment Plant to Land

(F3) Effluent used for irrigation must be monitored according to the specifications in Schedule F – Table 1 and comply with each of the release limits specified.

Schedule F – Table 1 Irrigation waste water characteristic limits

RELEASE LIMITS							Monitoring Frequency
Release Point	Monitoring Point	Quality Characteristics	Units	Min	80th %ile	Max	
Vegetation Mound	Ex Pond 1	5-day Biochemical Oxygen Demand (inhibited)	mg/L		20	60	Quarterly
Vegetation Mound	Ex Pond 1	Suspended Solids	mg/L		30	90	Quarterly
Vegetation Mound	Ex Pond 1	pH	Scale	6		9	Quarterly
Vegetation Mound	Ex Pond 1	Dissolved Oxygen	mg/L	2			Quarterly
Vegetation Mound	Ex Pond 1	Total Nitrogen (as Nitrogen)	mg/L			NS*	Quarterly
Vegetation Mound	Ex Pond 1	Total Phosphorous (as Phosphorous)	mg/L			NS*	Quarterly
Vegetation Mound	Ex Pond 1	Faecal Coliforms	cfu/ 100 mL	5000 organisms per 100mL as a median value (minimum of 5 samples taken at not less than half-hour intervals in any one day, with 4 out of the 5 samples containing less than 10 000 organisms per 100mL)			Quarterly

* NS - Not specified

(F4) Notwithstanding the quality characteristic limits specified in Table 1 of the Irrigation Waste Water Characteristic Limits Schedule the contaminants released must not have any properties nor contain any organisms or contaminants in concentrations or which are capable of causing environmental harm.

Irrigation practices

(F5) The irrigation of treated waste water must be carried out in a sustainable manner such that:

a) vegetation is not damaged;
b) soil erosion and soil structure damage is avoided;
c) there is no surface ponding of waste water;
d) percolation of waste water beyond the plant root zone is minimized;
e) the capacity of the land to assimilate nitrogen, phosphorus, salts, organic matter as measured by oxygen demand and water is not exceeded;
f) the quality of ground water is not adversely affected;
g) there is no spray drift or overspray or contaminated runoff outside the waste water disposal areas approved under this Schedule;
h) the waste water is evenly distributed on the area being irrigated;
i) there is a rotation of the areas being irrigated to ensure such that each portion of the irrigation area is irrigated at an application rate and frequency that optimises plant growth; and
j) the risk of exposure of the public to pathogens in treated sewage waste water is minimised by such means as:
    1. selection of irrigators with low exposure risk; and/or

2. appropriate timing of irrigation; and/or
3. restriction of access to areas either being irrigated or that are freshly irrigated.

Public Health Precautions

(F6) From 30 June 2002, Notices must be prominently displayed on the boundary all waste water irrigation area warning the public that the area is irrigated with treated waste water and not to use or drink the waste water. These notices must be maintained in a visible and legible condition.

(F7) The irrigation areas must not be used for, recreational activities or as traffic thoroughfares.

(F8) From 30 June 2002, pipelines and fittings for the release of contaminants to land must be clearly identified. Standard water taps, hoses and cocks must not be fitted to contaminant release pipelines, and the irrigation system must not be connected to other service pipelines. Lockable valves or removable handles must be fitted to the irrigation pipelines where there is public access to the irrigation areas.

(F9) The holder of this environmental authority must ensure that all employees, agents and contractors potentially exposed to irrigation waste water are to be instructed in personal hygiene measures and appropriate health and safety procedures associated with using treated sewerage waste water.

Buffer distances

(F10) Buffer zones must be maintained between boundary of any waste water irrigation area and land use as specified in Schedule F - Table 2.

Schedule F – Table 2 Buffer distances

Land Use	Surface Horizontal Separation Distance For Spray Irrigation (in metres)	
	Thermotolerant Coliform (org/100mL) < 200 mg/L	Thermotolerant Coliform (org/100mL) < 10 mg/L
Drainage channels	30	10
Bore or well used for domestic water supply	30	10
Dwelling, childrens' play area*	15	10
Water edge of swimming pool*	6	6
Property boundaries	4 m when lower than the disposal area. 2 m when higher than the disposal area	

Contaminant Release Area Monitoring Program

(F11) By 30 June 2002 establish and implement a "waste water irrigation area soil monitoring program" which must include at least:
- (a) the selection and maintenance of at least 2 soil sampling sites suitable as permanent reference points for long term soil monitoring, which are outside the waste water irrigation areas; and
- (b) sampling and analysis of soil from the area used for waste water irrigation every three years; and
- (c) analysis of soil samples for the concentrations as listed in Schedule F – Table 3.

Schedule F -Table 3 (Soil monitoring program)

QUALITY CHARACTERISTICS	UNITS
pH	pH scale
Exchangeable Sodium percentage	% Na
Exchangeable cations	meq/100 g
Cation exchange capacity	meq/100 g
Specific Conductance or electrical conductivity	µS/cm
Total Nitrogen	% or mg/kg
Phosphorus(available/extractable)	mg/kg
Potassium (available)	mg/kg
Total Calcium	meq/100 g
Total Chloride	mg/kg
Total Sodium	meq/100 g
Total Potassium	meq/100 g

Note: Soil samples must be representative of the soil types and cropping/gardening practices on the waste water irrigation area. There should be at least one (1) sample for each soil profile depth of 100mm, 300mm and 600mm with the samples being collected from within fifty (50)mm either side of the specified depths. The samples may be composited to a single sample from all samples taken at the specified depth range.

END OF CONDITIONS FOR SCHEDULE F

Schedule G – Community

Complaint Response

(G1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:

Word Definitions

(H1) **"administering authority"** means the Environmental Protection Agency or its successor.

(H2) **"you"** means the holder of this Environmental Authority and - or Development Approval.

(H3) **"licensed place"** means the place to which this environmental authority relates.

(H4) **"authority"** means level 1licence (without development approval), or level 1 approval (without development approval), or level 2 approval (without development approval) under the Environmental Protection Act 1994.

(H5) **"approval"** means 'notice of development application decision' or 'notice of concurrence agency response' under the Integrated Planning Act 1997

(H6) **"dust sensitive place"** means -

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes.

and includes the curtilage of any such place.

(H7) **"odour sensitive place"** has the same meaning as a "dust sensitive place"

(H8) **"dwelling"** means any of the following structures or vehicles that is principally used as a residence-

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

(H9) **"noxious"** means harmful or injurious to health or physical well being.

(H10 **"offensive"** means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

(H11) **"$L_{A\ 10,\ adj,\ 10\ mins}$"** means the A-weighted sound pressure level, *(adjusted for tonal character and impulsiveness of the sound)* exceeded for 10% of any 10 minute measurement period, using Fast response.

(H12) **"$L_{A\ 1,\ adj,\ 10\ mins}$"** means the A-weighted sound pressure level, *(adjusted for tonal character and impulsiveness of the sound)* exceeded for 1% of any 10 minute measurement period, using Fast response

(H13) **"noise affected premises"** means a "noise sensitive place" or a "commercial place"

(H14) **"noise sensitive place"** means -

- a dwelling, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area; or
- a park or gardens.

(H15) **"commercial place"** means a place used as an office or for business or commercial purposes.

(H16) **"intrusive"** noise - means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.

In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to *Australian Standard 1055.2 - 1997 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations.*

(H17) **"protected area"** means -

- a protected area under the Nature Conservation Act 1992; or
- a marine park under the Marine Parks Act 1992; or
- a World Heritage Area.

(H18) **"waters"** includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and any under groundwater, any part-thereof.

(H19) **50th percentile** means not more than five (5) of the measured values of the quality characteristic are to exceed the stated release limit for any ten (10) consecutive samples for a release-monitoring point at any time during the licensed works.

(H20) **80th percentile** means not more than two (2) of the measured values of the quality characteristic is to exceed the stated release limit for any ten (10) consecutive samples for a sampling point at any time during the licensed works

(H21) **"dredge spoil"** means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

(H22) **"land"** in the "land schedule" of this document means land excluding waters and the atmosphere.

(H23) **"mg-L"** means milligrams per litre.

(H24) **"NTU"** means nephelometric turbidity units

(H25) **"regulated waste"** means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes:

- for an element - any chemical compound containing the element; and
- anything that has contained the waste

(H26) **"licensed vehicle"** means a vehicle authorised to be used under the licence to transport regulated waste.

(H27) **"registered vehicle"** means "licensed vehicle"

(H28) **"clinical waste"** means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

(H29) **"infectious waste"** means "clinical waste"

END OF CONDITIONS FOR SCHEDULE H

Schedule I - Maps / Plan

There are no attachments to this schedule.

END OF CONDITIONS FOR SCHEDULE I

END OF DEVELOPMENT APPROVAL

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.

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.

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).

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 4.1.31[73] 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.

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.