

Registration certificate*Environmental Protection Act 1994***Certificate of Registration****No: ENRE00902009**

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

The anniversary day for the purposes of the Annual Return remains: 14 August.

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:-

Albany Hills Assembly of God Property Ltd
Shop 11/636
Albany Creek Road,
ALBANY CREEK QLD 4035

Development Approval Number: IPDE00614407**Place:-**

Lot 2 Plan SP119413

Located at:-

Coorparoo Road, WARNER QLD 4500

Registered Activity: -

ERA 63 Sewage treatment Threshold 2(a) - operating sewage treatment works, other than no-release works, with a total daily peak design capacity of 21 to 100EP (i) if treated effluent is discharged to an infiltration trench or through an irrigation scheme

C. C. But

Cathy Birt
Delegate
Administering authority
Environmental Protection Act 1994

02-MAR-2011

COPY





Environmental Protection Agency

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Development Application Decision Notice

Integrated Planning Act 1997 ss 3.5.11 and 3.5.15

APPLICATION NO.	DA108
APPLICANT	Albany Hills Assembly of God
DATE RECEIVED BY EPA	03/07/2000
DATE OF DECISION	14/08/2000
RELEVANT LAWS AND POLICIES	<i>ENVIRONMENTAL PROTECTION ACT 1994 and associated policies</i>
ROLE	ASSESSMENT MANAGER

Description: Development application for a material change of use for the development of a sewage treatment plant - ERA 15(a) - Sewage treatment - operating a standard sewage treatment works having a peak design capacity to treat sewage of 21 or more equivalent persons but less than 100 equivalent persons.

At the following place:

Lot	Plan
2	SP119413

located at: Coorparoo Road
WARNER QLD 4500

Decision on development application

In deciding the development application DA108, the Environmental Protection Agency, as assessment manager approves all or part of the development application subject to conditions decided by the assessment manager and includes in the approval any concurrence agency conditions part as a development permit.

Type of development

Material change of use of premises -

- ☒ the start of a new use of the premises; or
- ☐ the re-establishment on the premises of a use that has been abandoned; or
- ☐ a material change in the intensity or scale of the use of the premises; or
- ☐ 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.

Type of environmentally relevant activity(s) (ERA(s))

The development application relates to the following ERA 15(a) - Sewage treatment - operating a standard sewage treatment works having a peak design capacity to treat sewage of 21 or more equivalent persons but less than 100 equivalent persons.

Further development permits required

N/A

Referral agencies

Nil

Additional information for applicants

This approval pursuant to under 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.

Appeal

When issuing a decision notice under the *Integrated Planning Act 1997*, the assessment manager must state the rights of appeal for the applicant (s3.5.15(2)(h)). The rights of appeal are attached to the back of this notice.

signed 

R T Anderson
Manager Licensing
Brisbane District
Southern Region, EPA

date 14/6/00

Conditions of the Development Approval

The following schedules are the assessment managers conditions -

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 J - Plan of Development

SCHEDULE A - GENERAL DEVELOPMENT CONDITIONS

Display of Development Approval

- (A1) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.

Trained Operators

- (A2) All persons engaged in the conduct of the activity, including but not limited to employees and contract staff, must be:
- (i) trained in the procedures and practices necessary to:
 - (a) comply with the conditions of this development approval, and
 - (b) prevent environmental harm during normal operation and emergencies; or
 - (ii) under the close supervision of such a trained person.

Records

- (A3) Any record or document required to be kept by a condition of this development approval must be kept at the place to which this development approval relates 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.

Calibration

- (A4) All instruments and measurement devices used for the measurement or monitoring of any parameter under any condition of this development approval must be calibrated, and appropriately operated and maintained.

End of Conditions for Schedule A

SCHEDULE B - AIR

Noxious or Offensive Odour

- (B1) Notwithstanding any other condition of this development approval, no release of contaminants from the place to which this development approval relates is to cause a noxious or offensive odour beyond the boundaries of the place to which this development approval relates.

End of Conditions for Schedule B

SCHEDULE C - WATER

Release of Contaminants to Waters

- (C1) Contaminants must not be directly or indirectly released from the place to which this development approval relates to any waters or the bed and banks of any waters except:
- (i) as permitted under the Water Schedule; or
 - (ii) as permitted under the stormwater management schedule; or
 - (iii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.

Pumps

- (C2) Pumps whose failure would or would be likely to result in a direct or indirect release of contaminants to waters must be fitted with stand-by pumps and pump-failure alarms.

End of Conditions for Schedule C

SCHEDULE D - STORMWATER MANAGEMENT

Release of Contaminated Stormwater Runoff

- (D1) Except as otherwise provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practicable means necessary to prevent and/or minimise the release or likelihood of release of contaminated runoff from the place to which this development approval relates to any stormwater drain or waters or the bed or banks of any such waters.

“Contaminated runoff” for the purposes of this condition means stormwater and/or stormwater runoff that contains contaminants that may cause environmental harm.

General

- (D2) 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 external stormwater drainage system, roadside gutter or waters.
- (D3) A suitable system of diversion banks and or diversion drains must be established and maintained immediately up-slope of the irrigation area to exclude stormwater run-off from:
- (i) any areas used for the storage and/or treatment of contaminants or wastes; and
 - (ii) land used for irrigation with contaminants or wastes.

End of Conditions for Schedule D

SCHEDULE E - LAND APPLICATION**Release of Contaminants to Land**

- (E1) The only contaminants to be released to land are sewage effluent from the irrigation/chlorine contact chamber.

Quantity of Contaminants Released to Land

- (E2) The defined contaminant release area is described as the Primary Effluent Disposal Area as marked on the Plan of Development in Schedule J of this development approval.
- (E3) The total quantity of contaminants released daily to the Effluent Disposal Area must not exceed 2000 litres.
- (E4) A minimum of 700 square metres of land (Effluent Disposal Area - Plan of Development - Schedule J) must be provided for the treated sewage effluent contaminant release area.

Quality of Contaminants Released from the Sewage Treatment Plant

- (E5) The contaminants released from the final effluent storage tank must comply, at the sampling and in-situ measurement point specified in Schedule H, with each of the release limits specified in Schedule E - Table 1 for each quality characteristic.

SCHEDULE E - TABLE 1 - RELEASE QUALITY CHARACTERISTIC LIMITS

QUALITY CHARACTERISTICS	RELEASE LIMIT	LIMIT TYPE
5-day Biochemical Oxygen Demand (mg/l)	20	maximum
Suspended Solids (mg/l)	30	maximum
Total Nitrogen (as Nitrogen) mg/L	30.0	maximum
Total Phosphorus (as Phosphorus) (mg/L)	15.0	maximum
pH	6.5 to 8.5	range
Dissolved Oxygen mg/L	2.0	minimum
Faecal Coliforms	1000 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 4000 organisms per 100 mL)	



- (E6) Notwithstanding the quality characteristic limits specified in Table 1 of the land application schedule the contaminants must not have any properties nor contain any organisms or contaminants in concentrations which are capable of causing environmental harm.

Contaminant Release Precautions

- (E7) The release of contaminants to land must not be carried out if soil moisture conditions are such that surface runoff or ponding is likely to occur.
- (E8) The contaminant release area must be maintained in a proper and efficient condition so as to provide adequate assimilation, percolation, evaporation and transpiration of the released contaminants.
- (E9) Notices warning the public not to use or drink the release of contaminants to land must be prominently displayed and must be maintained in a visible and legible condition.
- (E10) 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 contaminant release system must not be connected to other service pipelines. Lockable valves or removable handles must be fitted to the contaminant release pipelines where there is public access to the contaminant release areas.

Contaminant Storage & High Level Alarms

- (E11) When weather conditions or soil conditions preclude the release of contaminants, the contaminants must be directed to the holding tank.
- (E12) The holding tank must be fitted with a high level alarm which is capable of providing the operator with an audible and/or visible warning that 80 percent capacity of the wet weather storage has been reached.
- (E13) Whenever the level in the holding tank exceeds 80 percent capacity, the holder of this development approval must take action as soon as reasonably practicable to reduce the stored level to less than 80 percent capacity by removal of stored effluent via irrigation where not prevented by wet weather conditions or by a licensed contractor for off-site disposal to a licensed sewage treatment plant.
- (E14) The holder of this development approval must keep a copy of all agreements entered with the relevant licensed contractor and must:
- (i) provide a copy of the agreement to the administering authority within 30 days of the agreement taking effect; and
 - (ii) advise the administering authority in writing of rescission of any agreement within 30 days of such rescission.

- (E15) The total wet weather storage must be designed to hold an effluent volume of 3900 litres.

End of Conditions for Schedule E

SCHEDULE F - NOISE**Emission of Noise**

- (F1) In the event of a complaint about noise that constitutes intrusive noise being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise from the place to which this development approval relates must not result in levels greater than those specified in Schedule F - Table 1.

SCHEDULE F - TABLE 1

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
<i>Period</i>	<i>Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level</i> <i>L_{Amax adj, T}</i>
7 am - 6 pm	Background noise level plus 5 dB(A)
6 pm - 10 pm	Background noise level plus 5 dB(A)
10 pm - 7 am	Background noise level plus 3 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
<i>Period</i>	<i>Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level</i> <i>L_{Amax adj, T}</i>
7 am - 6 pm	Background noise level plus 10 dB(A)
6 pm - 10 pm	Background noise level plus 10 dB(A)
10 pm - 7 am	Background noise level plus 8 dB(A)

End of Conditions for Schedule F

SCHEDULE G - WASTE MANAGEMENT

General

- (G1) The holder of this development approval must not:
- (i) burn waste at or on the premises to which this development approval applies;
 - (ii) allow waste to burn or be burnt at or on the premises to which this development approval applies; nor
 - (iii) remove waste from the premises to which this development approval applies and burn such waste elsewhere other than an appropriate licensed waste disposal facility that can lawfully burn such waste.

Off Site Movement

- (G2) All transport of regulated waste generated in carrying out the environmentally relevant activity must be transported by a proper and appropriate licensed waste transporter that can lawfully transport such waste.
- (G3) All disposal of regulated waste generated in carrying out the environmentally relevant activity must be to a proper and appropriate licensed waste disposal facility that can lawfully accept such waste or to a facility that can lawfully and appropriately reuse and/or recycle such waste, except as specifically provided for under the development conditions of this development approval.
- (G4) Where regulated waste is removed from the place to which this development approval relates (other than by a release as permitted under another schedule of this development approval), the holder of this development approval must monitor and keep records of the following:
- (a) the date, quantity and type of waste removed;
 - (b) the name of the waste transporter and/or disposal operator that removed the waste; and
 - (c) the intended treatment/disposal destination of the waste.

(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.)

Notification of Improper Disposal of Regulated Waste

- (G5) If the holder of this development approval becomes aware that a person has removed regulated waste from the place to which this development approval relates and disposed of the regulated waste in a manner which is not authorised by this development approval or is improper or unlawful, then the holder of this development approval must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.

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 in a log and kept 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.
- (H2) The complaints record required by condition H1 must be maintained for a period of not less than five (5) years.

Monitoring of Contaminant Releases from the Sewage Treatment Plant to the Contaminant Release Area.

- (H3) The holder of this development approval is responsible for the making of determinations and keeping of records of the quality of the contaminants released from the sewage treatment plant for the quality characteristics and at the frequency specified in Schedule H - Table 1:

Schedule H - Table 1

QUALITY CHARACTERISTICS	UNITS	MONITORING FREQUENCY
5-day Biochemical Oxygen Demand (inhibited)	mg/L	3 Monthly
Suspended Solids	mg/L	3 Monthly
pH	pH scale	3 Monthly
Dissolved Oxygen	mg/L	3 Monthly
Total Nitrogen (as Nitrogen)	mg/L	3 Monthly
Total Phosphorus	mg/L	3 Monthly
Faecal Coliforms	cfu/100 mL	3 Monthly

Sampling and In-situ Monitoring Points Details

- (H4) Determinations of the quality of contaminants released to check conformity with the release quality characteristics specified in Schedule E - Table 1 of this development approval must be undertaken at the sampling and in-situ measurement point described as at the outlet of the irrigation pump.
- (H5) A flow meter must be installed in such a manner as to monitor the hydraulic flow from the irrigation/chlorine contact chamber. The hydraulic flow must be recorded as soon as practicable following any release of contaminants to the irrigation area.

Quality Determinations

- (H6) All determinations of the quality of contaminants released to land must be made in accordance with methods prescribed in the Department of Environment and Heritage's Water Quality Sampling Manual, 3rd Edition, December 1999, or more recent additions or supplements to that document as such become available.
- (H7) All determinations of the quality of contaminants released must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Monitoring Reporting

- (H8) The holder of this development approval must ensure that the results of all monitoring performed in accordance with this development approval for the period covered by the annual return must be kept at the premises to which this development approval relates.

Incident Recording

- (H9) A record must be maintained of at least the following events:
 - (i) the time, date and duration of equipment malfunctions where the failure of the equipment resulted in the release of contaminants reasonably likely to cause environmental harm;
 - (ii) any uncontrolled release of contaminants reasonably likely to cause environmental harm;
 - (iii) any emergency involving the release of contaminants reasonably likely to cause material or serious environmental harm requiring the use of fire fighting equipment; and
 - (iv) the hours of operation of the plant.
- (H10) The record required by development condition H9 must be maintained for a period of not less than five (5) years.

Notification of Emergencies and Incidents

- (H11) Where the holder of this development approval has not given notification to the administering authority under section 37 of the Environmental Protection Act, 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 development conditions of this development approval, the holder of this development approval must notify the administering authority of the release by telephone, facsimile or email.
- (H12) Where the holder of this development approval has not given notification to the administering authority under section 37 of the Environmental Protection Act, the notification of emergencies or incidents as required by development condition H11 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;
 - (viii) the environmental harm caused, threatened, or suspected to be caused by the release; and
 - (ix) actions taken to prevent further any release and mitigate any environmental harm caused by the release.
- (H13) Where the holder of this development approval has not given notification to the administering authority under section 37 of the Environmental Protection Act, not more than fourteen (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 development condition H12 in addition to:
- (i) proposed actions to prevent a recurrence of the emergency or incident;
 - (ii) outcomes of actions taken at the time to prevent or minimise environmental harm; and
 - (iii) the results of any environmental monitoring performed.

Exception Reporting

- (H14) The holder of this development approval must notify the administering authority in writing of any monitoring result which indicates an exceedance of any licence limit within twenty-eight (28) days of completion of analysis.

(H15) The written notification required by condition H14 above must include:

- (i) the full analysis results;
- (ii) details of investigation or corrective actions taken; and
- (iii) any subsequent analysis.

End of Conditions for Schedule H

SCHEDULE I - DEFINITIONS

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

- (I1) For the purposes of this development approval any term not otherwise defined in the Act and any subordinate legislation made pursuant to the Act or in the definitions schedule of this development approval has the meaning conferred to that term in its common usage.
- (I2) In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that term, the meaning conferred in the definitions schedule of this development approval prevails.
- (I3) "Act" means the *Environmental Protection Act 1994*.
- (I4) "administering authority" means the Environmental Protection Agency or its successor.
- (I5) "land" means land excluding waters and the atmosphere.
- (I6) "holder" means the owner, the owners successors in title and any occupier of the place to which this development approval relates.
- (I7) "annual return" means the return required by the annual notice (under section 68 of the Environment Protection Act, 1994) for the section 60J licence that applies to the development approval.
- (I8) "mg/L" means milligrams per litre.
- (I9) "cfu" means colony forming units.
- (I10) "waters" includes the bed and/or banks of any water(s), stormwater runoff and any part of a river, stream, lake, lagoon, pond, dam, swamp, wetland, unconfined surface water, underground water, unconfined water, natural or artificial watercourse, non tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter.
- (I12) "regulated waste" means non-domestic waste mentioned in Schedule 8 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes:
 - (a) for an element - any chemical compound containing the element; and
 - (b) anything that has contained a regulated waste.
- (I13) "maximum" means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

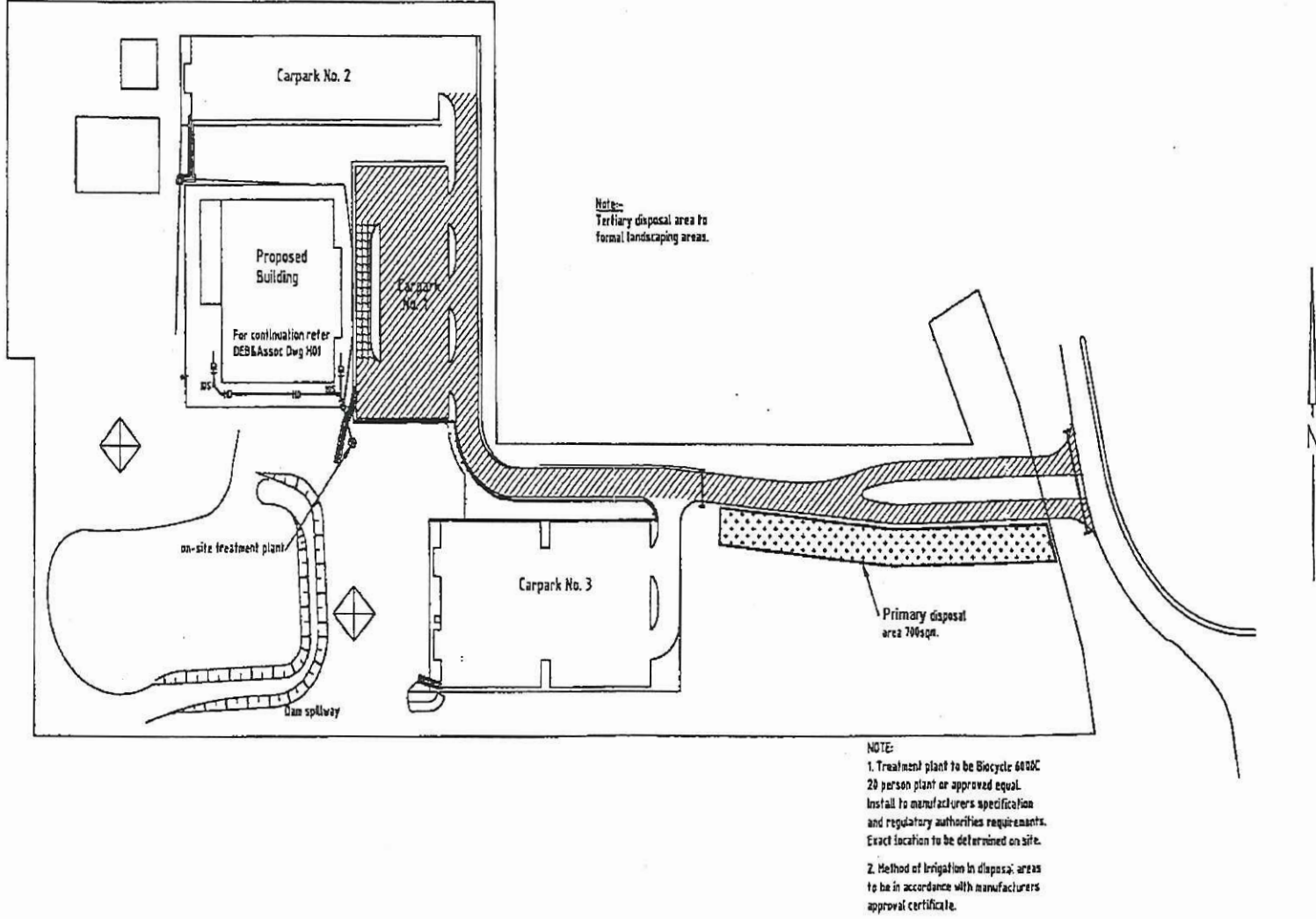
- (I14) "minimum" means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.
- (I15) "total Nitrogen" means the sum of Organic Nitrogen, Ammonia, Nitrite plus Nitrate, as mg/L of Nitrogen.
- (I16) "total Phosphorus" means the sum of the reactive phosphorus, acid-hydrolysable phosphorus and organic phosphorus, as mg/L of Phosphorus. This includes both the inorganic and organic fraction of phosphorus.
- (I17) " $L_{Amax\ adj, T}$ " 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.
- (I18) "noise sensitive place" means any of the following places:
- (a) a dwelling;
 - (b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
 - (c) a hospital, surgery or other medical institution;
 - (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;
 - (e) a marine park under the *Marine Parks Act 1982*;
 - (f) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.
- (I19) "dwelling" means any of the following structures or vehicles that is principally used as a residence:
- (a) a house, unit, motel, nursing home or other building or part of a building;
 - (b) a caravan, mobile home or other vehicle or structure on land;
 - (c) a watercraft in a marina.
- (I20) "commercial place" means a place used as an office or for business or commercial purposes.
- (I21) "intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -
- (a) is clearly audible to, or can be felt by, an individual; and
 - (b) annoys the individual.

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

- (I22) "noxious" means harmful or injurious to health or physical well-being.
- (I23) "offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

End of Conditions for Schedule I

SCHEDULE J - PLAN OF DEVELOPMENT



End of Conditions for Schedule J

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 4.1.31⁷³ 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.

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.