Department of Environment and Resource Management

COPY

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00121004

This registration certificate is issued by the administering authority and takes effect from: 20-MAY-2011.

The anniversary day for the purposes of the Annual Return remains: 28 July.

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:-
Ugarin Pty Ltd
Trading as The Trustee for the RK Family Trust
197 Queens Road
KINGSTON QLD 4114

Place:-
Lot 19 Plan SP138508, Lot 20 Plan SP138508
Located at:-
3 Gehrke Road,PLAINLAND QLD 4341
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
Department of Environment and Resource Management
Environmental Protection Act 1994

20-MAY-2011

Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 640 294 485

Queensland Government

Concurrence Agency Response

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*

Applicant:	Mr Phillip Brennan
Assessment Manager Application number:	PR-4775c
EPA Development Application number:	SR0478DA
Date application received by EPA:	27 October 2003
Relevant Laws and Policies:	*Environmental Protection Act 1994* and subordinate legislation
Jurisdiction::	Item 7 of Schedule 2 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 20, SP138508

located at:

3 Gehrke Road, Plainland 4341

Type of development

Material change of use of premises is:

- the start of a new use of the premises

Response to Development Application

The Environmental Protection Agency, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that conditions must attach to any development approval.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18(7) of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions. The Environmental Protection Agency is recognised as a concurrence agency under the *Integrated Planning Amendment Regulation (No. 1) 1998* for the protection of the environment against the release or potential release of contaminants that will or may cause environmental harm. Development conditions placed on the development approval for the environmentally relevant activity are in accordance with section 79 of the *Environmental Protection Act 1994* ('the *EP Act*').

The Environmental Protection Agency concurrence agency conditions for this proposed development that are contained within this response, are required in accordance with section 92 of the *EP Act* and are relevant to the object and policies pertaining to the *EP Act*.

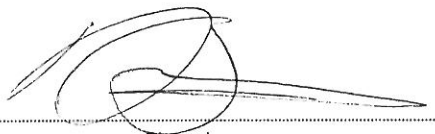
Additional comments or advice about the application

Nil

Additional information for applicants

This concurrence response pursuant to section 79 the EP Act applies only to the environmentally relevant activity(ies) component of the development and does not remove the need to obtain any further approval for this development which may be required pursuant to this or other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

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*.



Signed

6/2/04

Date

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

Conditions of the development approval

As part of the concurrence agency response the following schedules of development conditions are to be attached to the development approval:

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 no 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 been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.

Site based management plan

(A2) From commencement of the activity, a Site Based Management Plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all Environmentally Relevant Activities that are carried out.

The site based management plan must address the following matters:

1. Environmental commitments - a commitment by senior management to achieve environmental goals.
2. Identification of environmental issues and potential impacts.
3. Control measures for routine operations to minimise likelihood of environmental harm.
4. Contingency plans and emergency procedures for non-routine situations.
5. Organisational structure and responsibility.
6. Effective communication.
7. Monitoring of the contaminant releases.
8. Conducting environmental impact assessments.
9. Staff training.
10. Record keeping.
11. Periodic review of environmental performance and continual improvement.

Records

(A3) 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.

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 resulting from the activity must not cause a nuisance at any odour sensitive place.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Release to waters

(C1) Contaminants must not be released from the site to any waters or the bed and banks of any waters.

Stormwater management

(C2) There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

(C3) Suitable banks or diversion drains must be installed and maintained to exclude stormwater runoff from entering any structures used for the storage or treatment of contaminated wastes.

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise and vibration

Noise nuisance

(D1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(D2) All noise from activities must not exceed the levels specified in Schedule D – Table 1 at any noise affected premises.

Schedule D – Table 1 (Noise limits)

Time period	Noise level at a 'Noise sensitive place' measured as the Adjusted Maximum Sound Pressure Level $L_{A\ max,\ adj,\ 10\ mins}$
7am - 6pm	Background noise level plus 5 dB(A)
6pm - 10pm	Background noise level plus 5 dB(A)
10pm - 7am	Background noise level plus 3 dB(A)
Time period	**Noise level at a 'Commercial place' measured as the Adjusted Maximum Sound Pressure Level $L_{A\ max,\ adj,\ 10\ mins}$**
7am - 6pm	Background noise level plus 10 dB(A)
6pm - 10pm	Background noise level plus 10 dB(A)
10pm - 7am	Background noise level plus 8 dB(A)

Noise monitoring

(D3) When requested by the Administering Authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:

1. background noise level;
2. $L_{A\ max,\ adj,\ 10\ mins}$
3. $L_{A\ 1,\ adj,\ 10\ mins}$
4. the level and frequency of occurrence of impulsive or tonal noise;
5. atmospheric conditions including wind speed and direction;
6. effects due to extraneous factors such as traffic noise; and
7. location, date and time of recording.

(D4) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

Waste handling

(E1) All regulated waste removed from the site must be removed by a person who holds a current approval to transport such waste under the provisions of the *Environmental Protection Act 1994*.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Land disposal

(F1) The only contaminants to be released to land are treated sewage effluents from the irrigation chamber.

(F2) Irrigation of effluent must only occur via subsurface discharge in areas designated for such irrigation.

Contaminant Release Location

(F3) Contaminants must only be released to the area labelled "Treated Effluent Disposal Area" and to the landscaped gardens as shown in Schedule I – Figure 1, Location of treatment plant and subsurface irrigation areas.

(F4) A sub-surface irrigation area of at least 20764 m^2 must be provided and maintained for the disposal of treated effluent.

(F5) All grass/vegetation clippings must be removed from the contaminant release areas upon harvesting.

Quantity and Quality of Contaminants Released to Land

(F6) The release of contaminants to land must comply, at the specified monitoring point, with each of the limits specified in Schedule F - Table 1 below for each quality characteristic.

Schedule F - Table 1 (Release limits)

Monitoring point Discharge location	Release limit				
	Quality characteristics	Minimum	Median	Maximum	Monitoring frequency
At the release point from the irrigation chamber.	5-Day Biochemical Oxygen Demand	-	-	20 mg/L	Monthly
	Suspended Solids	-	-	20mg/L	Monthly
	pH	6.5	-	8.5	Monthly
	Faecal Coliforms (organisms/ 100 mL)	-	100[Note1]	-	Monthly
	Total Phosphorous	-	-	15	Quarterly
	Total Nitrogen	-	-	30	Quarterly

Note[1]: Median value to be obtained via a 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 400 organisms per 100 mL.

(F7) The daily volume of contaminants discharged from the treatment system to on-site Irrigation Areas must not exceed 40000 litres in any one day.

(F8) The irrigation of effluent must be carried out in a manner such that:

1. vegetation is not damaged;
2. soil erosion and soil structure damage is avoided;
3. there is no surface ponding of effluent;
4. percolation of effluent beyond the plant root zone is minimised;
5. the capacity of the land to assimilate nitrogen, phosphorus, salts, organic matter as measured by oxygen demand and water is not exceeded; and
6. the quality of groundwater is not adversely affected.

(F9) Except as otherwise provided by this development approval, the quality characteristic limits for contaminants released from the Environmentally Relevant Activity must also comply with the following qualitative characteristics:

1. the release must not have any properties nor contain any organisms or contaminants in concentrations or which are capable of causing environmental harm or environmental nuisance.

(F10) Notices must be prominently displayed on any areas irrigated with effluent warning the public that the area is irrigated with effluent and not to use or drink the effluent. These notices must be maintained in a visible and legible condition.

(F11) 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.

(F12) Pipelines and fittings for the release of contaminants to any gardens must be clearly identified. Lockable valves or removable handles must be fitted to the contaminant release pipelines where there is public access to the contaminant release area.

(F13) The daily volume of contaminants released to land must be determined or estimated by an appropriate method, for example a flow meter, and records kept of such determinations and estimates.

Wet Weather Storage

(F14) When weather conditions preclude the release of contaminants, the contaminants must be directed to a wet weather storage tank or the contaminants must be tankered away and disposed of to a facility that can lawfully accept such waste in accordance with an agreement with the relevant local government.

(F15) The wet weather storage tank must, as a minimum, be designed to hold a volume equivalent to approximately 3 days storage based on 20 cubic metres per day wastewater generation rate to be used as wet weather storage.

Effluent Irrigation Management Plan

(F16) Within three (3) months of the date of issue of this development approval, the holder must develop and implement an Irrigation Management Plan which details how the holder of this development approval will effectively and appropriately manage the effluent irrigation process so as to sustainably comply with all conditions of this development approval.

(F17) The Irrigation Management Plan must detail how the irrigation is to be managed and scheduled having referred to at least the following:

(i) soil moisture results;
(ii) weather forecasts and climate monitoring results;
(iii) irrigation records for each effluent disposal area;
(iv) effluent results;
(v) soil quality results for the effluent disposal area(s);
(vi) groundwater level results;
(vii) groundwater quality results;
(viii) sustainable hydraulic loadings for the contaminant release area;
(ix) sustainable biological oxygen demand loadings for the contaminant release area;
(x) sustainable nitrogen loadings for the contaminant release area;
(xi) sustainable phosphorous loadings for the contaminant release area;
(xii) sustainable salt loadings for the contaminant release area;
(xiii) production of appropriate records and reporting of results and environmental issues; and
(xiv) soil monitoring to be carried out at least annually at a representative number of sites.

(F18) A copy of the Irrigation Management Plan must be kept at the licensed premises.

(F19) The holder of this development approval must not implement an Irrigation Management Plan or amend an Irrigation Management Plan where such implementation or amendment would result in a contravention of any condition of this development approval.

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:
Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

"administering authority" means the Environmental Protection Agency or its successor.

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

"site" means the place to which this environmental authority relates or the premises to which this development approval relates.

"authorised place" means the place authorised under this environmental authority/development approval for the carrying out of the specified environmentally relevant activities.

"this authority" means this environmental authority/development approval.

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

"odour sensitive place" has the same meaning as a "dust sensitive place"

"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.

"noxious" means harmful or injurious to health or physical well being.

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

"nuisance sensitive place" includes -

- a dwelling, residential allotment, 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 under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- a public thoroughfare, park or gardens; or

- a place used as a workplace, an office or for business or commercial purposes.
  and includes a place within the curtilage of such a place reasonably used by persons at that place.

"background noise level" means either:

$L_{A90,\,T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes, using Fast response, or

$L_{abg,\,T}$ 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.

"$L_{A,\,max\ adj,\,T}$" means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

"$L_{A\ 1,\,adj,\,10\ mins}$" 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

"noise affected premises" means a "noise sensitive place" or a "commercial place".

"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.
  and includes the curtilage of such place.

"commercial place" means a place used as an office or for business or commercial purposes.

"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.

"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 groundwater and any part-thereof.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

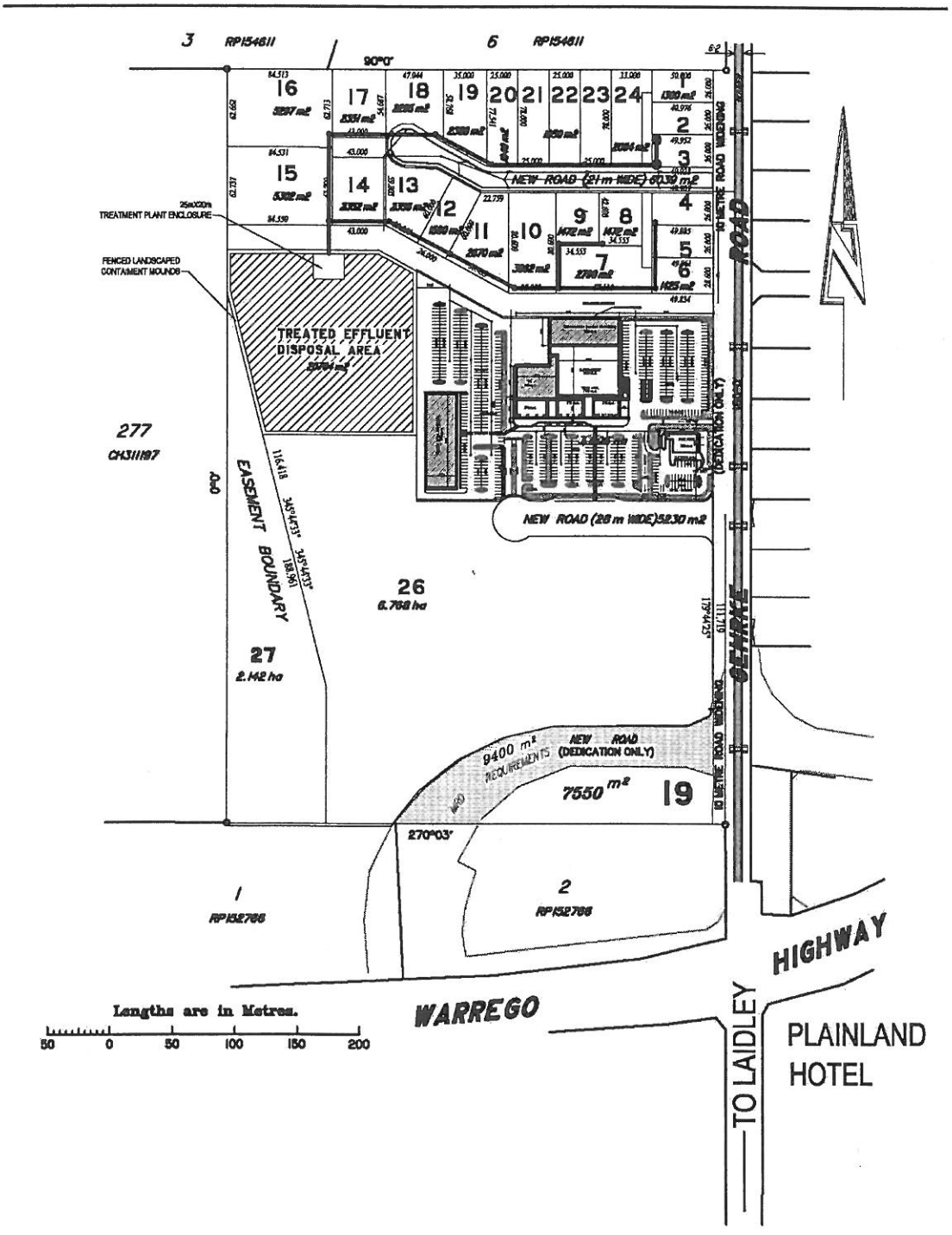
"regulated waste" means non-domestic waste mentioned in Schedule 7 of the Environmental Protection Regulation 1998 (whether or not it has been treated or immobilised), and includes:

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

END OF DEFINITIONS FOR SCHEDULE H

Schedule I - Maps / Plans

Schedule I – Figure 1. Location of treatment plant and subsurface irrigation areas (main irrigation area labelled "TREATED EFFLUENT DISPOSAL AREA", irrigated garden beds shaded green and located in shopping centre car parks).



END OF CONDITIONS FOR SCHEDULE I

END OF CONCURRENCE AGENCY RESPONSE

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.