Department of Environment and Resource Management

# Registration certificate

***Environmental Protection Act 1994***

# Registration certificate

## No: ENRE00920209

This registration certificate is issued by the administering authority and takes effect from: 12-MAR-2012.

This registration certificate is issued by the administering authority and is a replacement document for the original approval issued on: 10 January 2011.

The anniversary day for the purposes of the Annual Return remains: 20 February.

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:-**
Jilrift Pty. Limited
Trading as Spicers Hidden Vale
617 - 761 Grandchester Mount Mort Road
GRANDCHESTER QLD 4340

Development Approval Number: IPDE00623007 – (Formerly SR0136DA)

Place:- Lot 1 Plan SP107980

Located at:- 617 - 761 Grandchester - Mount Mort Road,GRANDCHESTER QLD 4340

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

John Rice
Delegate of the Chief Executive
Department of Environment and Resource Management
*Environmental Protection Act* 1994
12-MAR-2012



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

Queensland Government

# Development application decision notice

| | |
|---|---|
| **Application number:** | SR0136DA |
| **Applicant:** | Jilrift Pty Ltd |
| **Date received by EPA** | 7 December 2000 |
| **Date of decision:** | 29 January 2001 |
| **Relevant Laws and Policies:** | *Environmental Protection Act 1994* and associated policies |
| **Role:** | Assessment Manager |

## Description

Development application for a material change of use for the development of a sewage treatment plant and associated effluent to land disposal system.

## At the following place

| Lot | Plan | Parish | County |
|---|---|---|---|
| 1 | SP107980 | Alfred | Churchill |

## located at

Grandchester - Mt Mort Rd, GRANDCHESTER QLD 4068

## Type of development

Material change of use of premises (tick whichever is applicable) -

- ☐ 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(s):

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

## Decision on development application

In deciding the application, the Environmental Protection Agency, as assessment manager:

- Approves all or part of the application subject to conditions decided by the assessment manager and includes in the approval any concurrence agency conditions as a development approval.

## Further development permits required

Nil

## Referral agencies

| | |
|---|---|
| Concurrence Agencies: | Nil |
| Advice Agencies: | Nil |
| 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 (section 3.5.15(2)(h)). The rights of appeal are attached to the back of this notice.

Signed

29/1/09
Date

**R.T. Anderson**
**Manager Licensing**
**Brisbane District**
**Southern Region**
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:

- 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 I - Definitions
- Schedule J - Site plans

## Schedule A - General conditions

### Prevent and / or Minimise Likelihood Of Environmental Harm

**(A1)** Notwithstanding any other requirements of this development approval, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused when carrying out the environmentally relevant activity.

### Site Management Plan

**(A2)** Within 6 months of the issue of this development approval the applicant must develop and implement a Site Management Plan (SMP) that identifies the actual and potential release of ALL contaminants, their subsequent environmental impacts and what corrective and preventive measures will be taken to prevent and / or minimise the likelihood of environmental harm. The SMP must also provide for the review and "continual improvement" in the overall environmental performance of all Environmentally Relevant Activities that are carried out.

**(A3)** The Site-based Management Plan must address at least the following matters:

(i) routine operating procedures to prevent or minimise environmental harm, however occasioned or caused during normal operations;
(ii) maintenance practices and procedures;
(iii) contingency plans and emergency procedures to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation);
(iv) monitoring of the release of contaminants into the environment including procedures, methods, record keeping and notification of results;
(v) assessment of the environmental impact of any releases of contaminants into the environment including procedures, methods, record keeping and notification of results;
(vi) handling of environmental complaints;
(vii) keeping and production of environmental records and reports;
(viii) lines and methods of communication to be utilised for communication of procedures, plans, incidents, potential environmental problems and results, including a feedback mechanism to ensure that management is made aware of potential environmental problems and any failure of procedures adopted; and
(ix) staff training and awareness of environmental issues related to the operation of the environmentally relevant activities, including responsibilities under the Environmental Protection Act.

### Notification

**(A4)** 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

Written advice must be provided within fourteen (14) days following any event as identified in condition number (Notification A4) of the following information:

- the location of the event;
- the time of the event;
- the time the holder of the environmental authority became aware of the event;
- the suspected cause of the event;
- a description of the resulting effects of the event;
- actions taken to mitigate any environmental harm and or environmental nuisance caused by the event; and proposed actions to prevent a recurrence of the event.

## Monitoring

**(A5)** 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.

**(A6)** The quantity of effluent released from the treatment plant during any day must not exceed 15,000 litres.

**END OF CONDITIONS FOR SCHEDULE A**

## Schedule B - Air

## Odour Nuisance

**(B1)** Prevent the release of odour, which causes or is likely to cause a nuisance at any odour sensitive place. Nuisance includes odour that is or is likely to be noxious or offensive to a person or a nuisance in the opinion of an authorised person.

**(B2)** Prevent the release of any nuisance causing contaminants, including but not limited to, spray-drift, smoke, aerosols, fumes that are or are likely to be offensive to a person or a nuisance in the opinion of an authorised person

**END OF CONDITIONS FOR SCHEDULE B**

## Schedule C - Water

## Stormwater Management

**(C1)** Prevent the release of stormwater runoff that has been in contact with any contaminants at the site to any waters.

**(C2)** Spillage of all chemicals and fuels must be captured within an on-site containment system.

**(C3)** A suitable system of diversion banks and or diversion drains must be established and maintained to exclude stormwater run-off from:

(i) the effluent 'Storage Dam';
(ii) the 'Irrigation Dam'
(ii) the effluent 'Irrigation Area'.

**(C4)** The 'Irrigation Dam' must be installed and maintained to prevent any discharge through the bed or banks of the dam from causing environmental harm in any waters (including groundwaters).

**(C5)** Dams or other structures used for the storage or treatment of contaminants or wastes, including any associated pumps and control equipment, must not be located in any area below the one in ten year flood level.

**END OF CONDITIONS FOR SCHEDULE C**

## Schedule D - Noise

**(D1)** Prevent the emission of noise, which causes or is likely to cause a nuisance at any noise affected premises. Nuisance includes noise that is or is likely to be annoying, intrusive or offensive to a person or a nuisance in the opinion of an authorised person.

**(D2)** Noise is NOT considered to be a nuisance under condition D1 if monitoring shows that noise does NOT exceed the following levels in the time periods specified in Schedule D Tables 1 and 2.

**Schedule D - TABLE 1 - NOISE LIMITS (Noise Sensitive Place)**

| Noise Level dB(A) measured as | Noise measured at a "Noise Sensitive Place" | | | | | |
|---|---|---|---|---|---|---|
| | Monday to Saturday | | | Sundays and public holidays | | |
| | 7am - 6pm | 6pm -10pm | 10pm - 7am | 9am - 6pm | 6pm -10pm | 10pm - 9am |
| $L_{A\ 10,\ adj,\ 10mins}$ | 45 | 40 | 30 | 45 | 40 | 30 |
| $L_{A\ 1,\ adj,\ 10mins}$ | 50 | 55 | 35 | 50 | 55 | 35 |

**Schedule D - TABLE 2 - NOISE LIMITS (Commercial Place)**

| Noise Level dB(A) measured as | Noise measured at a "Commercial Place" | | | | | |
|---|---|---|---|---|---|---|
| | Monday to Saturday | | | Sundays and public holidays | | |
| | 7am - 6pm | 6pm -10pm | 10pm - 7am | 9am - 6pm | 6pm -10pm | 10pm - 9am |
| $L_{A\ 10,\ adj,\ 10mins}$ | 50 | 45 | 35 | 50 | 45 | 35 |
| $L_{A1,\ adj,\ 10mins}$ | 55 | 50 | 40 | 55 | 50 | 40 |

**(D3)** When requested by the Administering Authority noise monitoring must be undertaken to investigate any complaint of noise annoyance. Monitoring must include:

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

**(D4)** The method of measurement and reporting of noise levels must comply with the Environmental Protection Agency's Noise Measurement Manual, Third Edition, 1 March 2000, or more recent editions or supplements to that document as they become available.

**END OF CONDITIONS FOR SCHEDULE D**

## Schedule E - Waste Management

No conditions are prescribed in this schedule

**END OF CONDITIONS FOR SCHEDULE E**

## Schedule F - Land

**(F1)** The only contaminants permitted to be released from the sewage treatment plant are treated effluents in compliance with the levels stated in Table 1 of the Land Schedule.

### SCHEDULE F - TABLE 1 - RELEASE QUALITY CHARACTERISTIC LIMITS

| Quality Characteristics | Release Limit | | | |
|---|---|---|---|---|
| | Minimum | 50 Percentile | 80 Percentile | Maximum |
| 5-day Biochemical Oxygen Demand (inhibited) | | | | 20 mg/L |
| Suspended Solids | | | | 30 mg/L |
| pH | 6.5 | | | 8.5 |
| Dissolved Oxygen | 2.0 mg/L | | | |
| Faecal Coliforms | | | | 1000 organisms per 100ml* |
| Total Nitrogen | | | | 30 mg/L |
| Total Phosphorous | | | | 10 mg/L |

* 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)

**(F2)** The irrigation of treated effluent must be carried out in a sustainable manner such that:

- vegetation is not damaged;
- soil erosion and soil structure damage is minimised;
- there is no surface ponding of effluent;
- the effluent is evenly distributed on the irrigation area; and
- the infiltration of effluent beyond the plant root zone is minimised

**(F3)** Notices must be prominently displayed on any treated effluent irrigation area warning the public that the area is irrigated with treated effluent and not to use or drink the wastewater. These notices must be maintained in a visible and legible condition.

**(F4)** Conduct and keep records of a monitoring program of contaminant releases from the treatment plant at the monitoring points, frequency, and for the parameters specified in Schedule F Table 2.

### SCHEDULE F - TABLE 2

| Monitoring Point | Quality Characteristic | Units | Frequency |
|---|---|---|---|
| Final discharge point from the sewage treatment plant prior to entry to the "Pipe from Treatment Plant" as shown in Figure 1 - Schedule I. | 5-day Biochemical Oxygen Demand (inhibited) | mg/L | every 3 months |
| | Suspended Solids | mg/L | |
| | pH | pH units | |
| | Dissolved Oxygen | mg/L | |
| | Faecal Coliforms | organisms per 100ml | |
| | Total Nitrogen (as Nitrogen) | mg/L | |
| | Total Phosphorus (as Phosphorus) | mg/L | |
| | Specific Conductance or electrical conductivity | µS/cm | |

**(F5)** Conduct and keep records of a soil monitoring program from the monitoring point, frequency, and for the parameters specified in Schedule F Table 3.

**SCHEDULE F - TABLE 3**

| Monitoring Point | Quality Characteristic | Units | Frequency |
|---|---|---|---|
| Representative location within the "Irrigation Area" as shown in Figure 1 - Schedule I*. | pH | pH scale | Every 2 years |
| | Sodium Adsorption Ratio (1:5 Soil/water mix) | calculated | |
| | Calcium/Magnesium Ratio (1:5 Soil/water mix) | calculated | |
| | Exchangeable Cations | mg/kg | |
| | Total Cations | mg/kg | |
| | Specific Conductance or electrical conductivity | µS/cm | |
| | Total Manganese | mg/kg | |
| | Total Nitrogen | mg/kg | |
| | Phosphorus (extractable) | mg/kg | |
| | Potassium (available) | mg/kg | |
| | Potassium (extractable) | mg/kg | |
| | Total Calcium (exchangeable) | mg/kg | |
| | Total Chloride | mg/kg | |
| | Total Magnesium (exchangeable) | mg/kg | |
| | Total Sodium (exchangeable) | mg/kg | |
| | Sulphur | mg/kg | |

* Monitoring shall include the taking of top soil and sub-soil samples from at least 2 sites.

**(F6)** Submit to the Agency with every second annual return a report which includes an assessment of the impact and sustainability of the application of treated effluent to the effluent irrigation area. This report must include the results obtained from the monitoring required by condition F5 and an interpretation of these results by an expert in the field of effluent land disposal.

**(F7)** When conditions prevent the irrigation of treated effluent to land, alternative measures must be taken to store/dispose of treated effluent.

**(F8)** Whenever the free board in the 'Irrigation Dam' is reduced to less than 0.5m, the holder of this development approval must take action as soon as reasonably practicable to increase the freeboard to a minimum of 0.5m, 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.

**END OF CONDITIONS FOR SCHEDULE F**

## Schedule G - Community

**(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 I - Definitions

For the purposes of this environmental authority / development permit the following definitions apply:

**(I1)** **"administering authority"** means the Environmental Protection Agency or its successor.

**(I2)** **"licensed place"** means the place to which this environmental authority or development approval relates, as the case may be.

**(I3)** **"noxious"** means harmful or injurious to health or physical well being.

**(I4)** **"offensive"** means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

**(I5)** **"odour 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.

**(I6)** **"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.

**Noise Definitions**

**(I7)** "$L_{A\ 10,\ adj,\ 10\ mins}$" means the A-weighted sound pressure level, *(adjusted for tonal character and impulsiveness of the sound)* exceeded for 90% of any 10 minute measurement period, using Fast response.

**(I8)** "$L_{A\ 1,\ adj,\ 10\ mins}$" 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

**(I9)** **"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.

**(I10)** **"commercial place"** means a place used as an office or for business or commercial purposes.

**(I11)** **"noise affected premises"** means a "noise sensitive place" or a "commercial place"

**(I12) "intrusive"** noise - means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

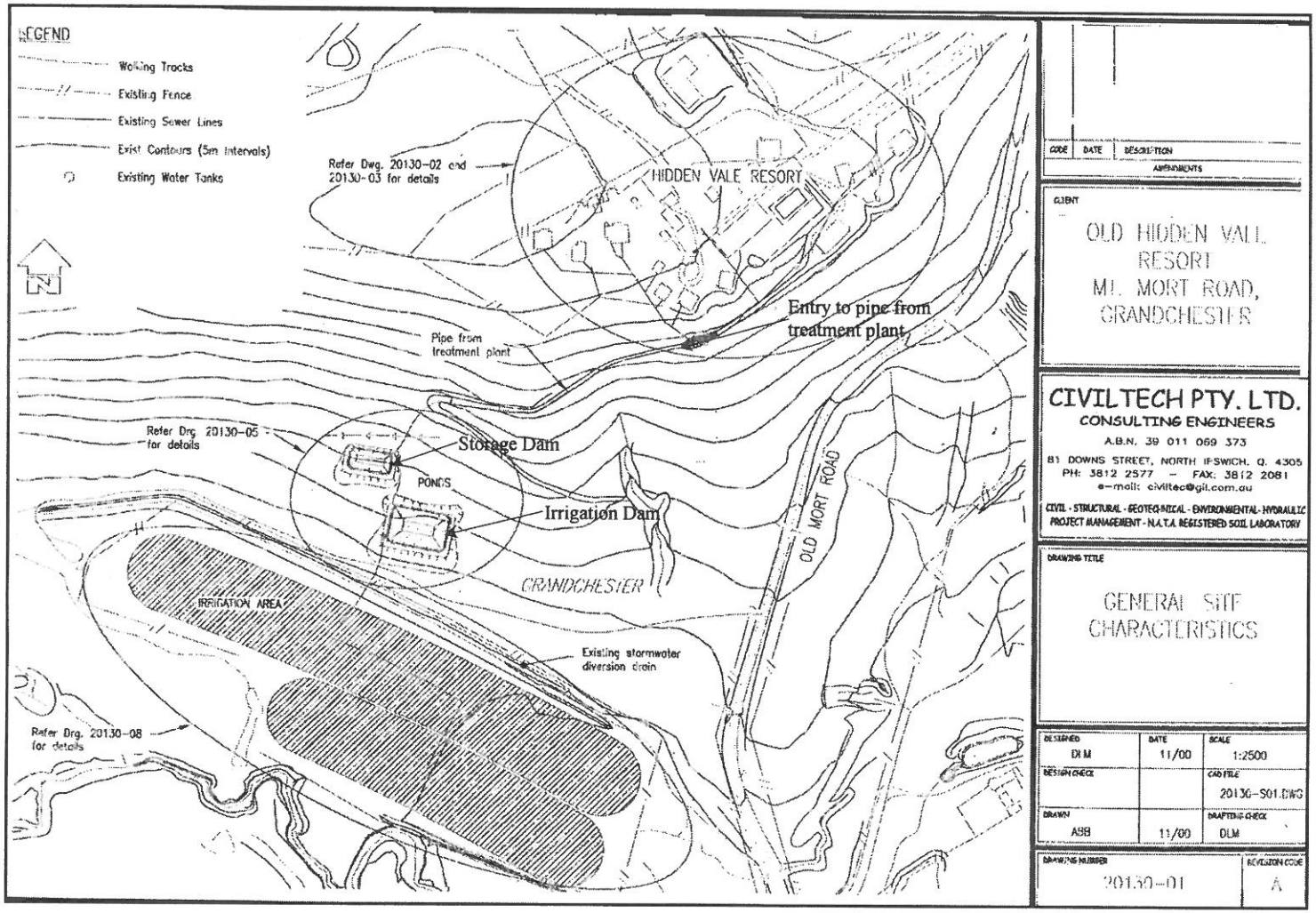
- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.

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.*

**(I13) "Annual return"** - means the return required by the annual notice (under section 316 of the *Environment Protection Act, 1994*) for the section 86(2) licence that applies to the development approval.

**END OF CONDITIONS FOR SCHEDULE I**

## Schedule J - Site plans




**END OF CONDITIONS FOR SCHEDULE J**

**END OF DEVELOPMENT APPLICATION DECISION**

# 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.