Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00814708

This registration certificate is issued by the administering authority and takes effect from: 03 April 2012.

The anniversary day for the purposes of the Annual Return remains: 11 November.

This registration certificate is a requirement of section 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:-
Glenn David Weatherford and Andrew Warwick Kilby as trustee for The Yidney Rocks Trust
Yidney Rocks Beach Front Units
A11 99 Gregory Terrace
SPRING HILL QLD 4000

Development Approval No.	Place	Location	Activity
IPDE01168908 (IDAS0035)	Lots 1 – 5 and Common Property Plan SP223894 (previously Lot 11 Plan FS42)	Yidney Roacks Beachfront Units, FRASER ISLAND QLD 4581	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.

Tim Brain
Delegate
Department of Environment and Resource Management
Environmental Protection Act 1994

03-APR-2012

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

Queensland Government

Development application decision notice
Integrated Planning Act 1997 ss3.5.11 and 3.5.15

Applicant:	Jack & Maureen Hedges
Trading as:	Yidney Rocks Cabins
Application no.:	IDAS0035
Date received by EPA:	17 August 1999
Jurisdiction:	Environmental Protection Act 1994
Role:	Assessment Manager

Description:

Jack & Maureen Hedges, trading as Yidney Rocks Cabins has applied for a Development Approval for ERA 15(a) "sewage treatment works" to be installed as part of a development proposal for Yidney Rocks Cabins, Fraser Island.

1 Type of development

✓ 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.

2 Type of 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 or more equivalent persons but less than 100 equivalent persons.

3 Decision on development application
In deciding the development application IDAS0035, the Environmental Protection Agency, as assessment manager: -

☐ approves all or part of the application and include in the approval any concurrence agency conditions
✓ approves all or part of the application subject to conditions decided by the assessment manager and include in the approval any concurrence agency conditions
☐ refuses the application.

4 Conditions

The following conditions are applied to the development approval:

Schedule A - General conditions

Schedule B - Air

Schedule C - Water

Schedule D - Stormwater Management

Schedule E - Land Application

Schedule F - Noise

Schedule G - Waste Management

Schedule H - Self Monitoring and Reporting

Schedule I - Definitions

SCHEDULE A - GENERAL CONDITIONS

Maintenance of Plant and Equipment

(A1) The holder of this development approval must:

(a) install all plant and equipment necessary to ensure compliance with the development conditions of this development approval; and
(b) maintain such plant and equipment in a proper and efficient condition; and
(c) operate such plant and equipment in a proper and efficient manner.

In this development condition, "plant and equipment" includes:

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

Display of Development Approval

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

Records

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

Alterations

(A4) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this development approval.

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

Calibration

(A5) All instruments and devices used for the measurement or monitoring of any parameter under any development condition of this development approval must be calibrated, and appropriately operated and maintained.

Trained Operators

(A6) 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 development 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.

Site-Based Management Plan

(A7) On or before **1 January 2001**, the holder of this development approval, must develop an effective and appropriate Site-based Management Plan which details how the holder of this development approval will manage the actual and potential environmental impacts resulting from the carrying out of the environmentally relevant activity.

(A8) 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;
(ix) Staff training and awareness of environmental issues related to the operation of the environmentally relevant activity, including responsibilities under the *Environmental Protection Act 1994*; and
(x) A Contaminant Release Area Suitability Report, which must address the suitability of the proposed release area and how land disposal of effluent is to be managed and scheduled having regard to at least the following:

(i) type of vegetation intended to be grown in the contaminant release area;
(ii) groundwater level, groundwater quality and groundwater use within 50 metres of the contaminant release area;
(iii) cropping practice for the contaminant release area;
(iv) sustainable hydraulic loadings for the contaminant release area;
(v) sustainable organic loading rate (biological oxygen demand loadings) for the contaminant release area;
(vi) sustainable nitrogen loadings for the contaminant release area;
(vii) sustainable phosphorous loadings for the contaminant release area; and
(viii) sustainable salt loadings for the contaminant release area.

(A9) A copy of the Site-based Management Plan must be submitted to the Administering Authority on or before **1 February 2001**.

End of Development Conditions for Schedule A

SCHEDULE B - AIR

Noxious or Offensive Odour

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

End of Development Conditions for Schedule B

SCHEDULE C - WATER

Release of Contaminants to Waters

(C1) Contaminants must not be directly or indirectly released from the premises 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) 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. Pumps and pump failure alarms must be able to operate without mains if such power failure occurs and, when in operation, must be detectable to those responsible for remedial action.

End of Development Conditions for Schedule C

SCHEDULE D - STORMWATER MANAGEMENT

Nil Conditions.

End of Development Conditions for Schedule D

SCHEDULE E - LAND APPLICATION

Release of Contaminants to Land

(E1) The only contaminants to be released to land are treated sewage effluent from the Sewage Treatment Plant (STP).

Contaminant Release Location

(E2) The defined contaminant release area is the effluent disposal area to the west of the property as marked on the site drawing provided with the application.

(E3) A minimum of 0.25 hectare (2,500 m^2) of land must be provided for the treated sewage effluent contaminant release area.

(E4) The contaminant release area must be located:

(i) 4 m from any building when the building is lower than the contaminant release area; or

(ii) 2 m from any building when the building is higher than the contaminant release area.

(E5) The contaminant release area must not be located within 30 m from any bore or well used for domestic water supply.

(E6) The contaminant release area must not be located within 50 m from the beach.

Contaminant Release Precautions

(E7) The contaminant release area must not be used for grazing, recreational activities or as a traffic thoroughfare.

(E8) The contaminant release area must be inspected every 3-months and maintained in a proper and efficient development condition so as to provide adequate assimilation, percolation, evaporation and transpiration of the released contaminants.

(E9) 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.

(E10) A copy of the contaminant release area inspection report must be submitted to the Administering Authority **with the annual return.**

Quantity of Contaminants Released to land

(E11) The total quantity of contaminants released daily to land must not exceed 4,500 litres/day.

Quality of Contaminants Released from the sewage treatment plant to licensed land

(E12) The contaminants released from the sewage treatment plant to land must comply, at the sampling and in-situ measurement point/s 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 (inhibited)	20 mg/L	maximum
Suspended Solids	30 mg/L	maximum
pH	6.5 to 8.5	range
Dissolved Oxygen	30 mg/L	minimum
Total Nitrogen	10 mg/L	maximum
Total Phosphorus	5 mg/L	maximum
Faecal Coliforms	150 organisms per 100 mL as a median value (minimum of 5 samples taken at not less than half-hourly intervals in any one day, with 4 out of the 5 samples containing less than 600 organisms per 100 mL)	

(E13) Notwithstanding the quality characteristic limits specified in Table 1 of the Land Application Schedule the contaminants released must also comply with the following qualitative characteristics:

(i) The release must not have any properties nor contain any organisms or contaminants in concentrations that are capable of causing environmental harm.

End of Development Conditions for Schedule E

SCHEDULE F - NOISE

Emission of Noise

(F1) In the event of a complaint about noise to the Administering Authority in writing, that the Administering Authority considers is not frivolous or vexatious then a noise management plan is to be developed that will adequately address any such emission of noise that constitutes annoyance.

(F2) In the event of a complaint in accordance with condition F1, and at the request of the Administering Authority, the holder of this development approval must, within two (2) months, develop a noise management plan. The noise management plan must address the following matters:

(i) identification of component noise sources and activities at the licensed place which impact on noise sensitive areas;
(ii) the measured and/or predicted level of these noise sources and activities at noise sensitive places;
(iii) the control or abatement measures that can be undertaken to reduce identified intrusive noise sources;
(iv) the level of noise at noise sensitive places that would be achieved from implementing these measures;
(v) the handling of future noise complaints; and
(vi) training of staff in noise management practices.

(F3) Upon the completion of the noise management plan it must be submitted to the Administering Authority within 30 days.

End of Development Conditions for Schedule F

SCHEDULE G - WASTE MANAGEMENT

General

(G1) The holder of this development approval must not:

(i) allow waste to burn or be burned at or on the premises to which this development approval relates; nor
(ii) remove waste from the premises to which this development approval relates and burn such waste elsewhere.

Off Site Movement

(G2) Where regulated waste is removed from the premises 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:

(i) the date, quantity and type of waste removed; and
(ii) name of the waste transporter and/or disposal operator that removed the waste; and
(iii) 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 development condition).

(G3) Regulated waste must not be released to the environment, stored, transferred or disposed of contrary to any development condition of this development approval.

Notification of Improper Disposal of Regulated Waste

(G4) If the holder of this development approval becomes aware that a person has removed regulated waste from the premises to which this development approval relates and disposed of the regulated waste in a manner which is not authorised by this development approval or 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 Development 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 operations at the premises to which this development approval relates must be recorded in a log book with the following details:

(i) nature, time and date of complaint;
(ii) type of communication (telephone, letter, personal etc.);
(iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
(iv) response and investigation undertaken as a result of the complaint;
(v) name of person responsible for investigating complaint; and
(vi) action taken as a result of the complaint investigation and signature of responsible person.

Incident Recording

(H2) A record must be maintained of events including but not limited to:

(i) the time, date and duration of equipment malfunctions, including sewage pump, that may effect the environmental performance of the premises to which this development approval relates; and
(ii) any shut-downs of equipment upon which the environmental performance of the premises to which this development approval relates depends.

Notification of Emergencies and Incidents

(H3) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the development conditions of this development approval, the holder of this development approval must notify the Administering Authority of the release by telephone or facsimile.

(H4) The notification of emergencies or incidents as required by development condition number (H3) must include but not be limited to the following:

(i) the holder of the development approval;
(ii) the location of the emergency or incident;
(iii) the number of the development approval;
(iv) the name and telephone number of the designated contact person;
(v) the time of the release;
(vi) the time the holder of the development approval became aware of the release;
(vii) the suspected cause of the release;
(viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
(ix) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.

(H5) Not more than 14 days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with development condition number (H4) 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.

(H6) As soon as practicable, but not more than six weeks following the conduct of any environmental monitoring performed in relation to the 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 the development approval must provide written advice of the results of any such monitoring performed to the Administering Authority.

Monitoring of Waste Water Releases from the Sewage Treatment Plant

(H7) The holder of this environmental authority is required to prepare a compliance and groundwater monitoring program for the life of the activity which demonstrates that the final effluent is complying with the performance objectives listed in Schedule E Table 1 and is not impacting on the groundwater.

(H8) The compliance and groundwater monitoring program must be submitted to the Administering Authority by **1 January 2001**.

(H9) Before the monitoring programs are implemented the licensee must establish the ambient condition of the potable groundwater for Total Nitrogen, Total Phosphorous, pH and Faecal Coliforms.

Sampling and In-situ Monitoring Point Details

(H10) Determinations of the quality of contaminants released to Land to check conformity with the release quality characteristics specified in Table 1 - Schedule E of this development approval must be undertaken at the sampling and in-situ measurement point(s) described as prior to land disposal.

(H11) All determinations of the quality of contaminants released to Land must be made in accordance with methods prescribed in the Department of Environment Water Quality Sampling Manual, 2nd Edition, February 1995, or more recent additions or supplements to that document as such become available, or as specifically approved by the Administering Authority.

(H12) 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.

Exception Reporting

(H13) The holder of this development approval must notify the Administering Authority in writing of any monitoring result, which indicates an exceedance of any development condition release limit within 28 days of completion of analysis.

(H14) The written notification required by development condition number (H11) above must include:

(i) The full analysis results, and
(ii) Details of investigation or corrective actions taken, and
(iii) Any subsequent analysis.

Monitoring Of Volume of Release

(H15) The daily quantity of contaminants released to land must be determined or estimated by an appropriate method, for example, a flow meter.

(H16) The holder of this development approval must keep records of the volume, date, time of commencement and duration of each occasion on which any release of contaminants is made to the contaminant release area including records of quantity and duration of rainfall.

Noise Monitoring

(H17) For the purposes of investigating any complaint made about noise annoyance and also for checking compliance with development condition (F1) in Schedule F, monitoring and recording the noise levels from the environmentally relevant activity must be undertaken for at least the following descriptors, characteristics and development conditions:

(i) $L_{Amax,\ Adj\ T}$
(ii) $L_{Abg,\ T}$ (or $L_{A90,\ T}$);
(iii) $L_{AN,\ T}$ (where N equals statistical levels of 1, 10, 50, 90 and 99);
(iv) Max $L_{pA\ T}$;
(v) $L_{Aeq,\ T,}$
(vi) the level and frequency of occurrence of impulsive or tonal noise;
(vii) atmospheric development conditions including temperature, relative humidity and wind speed and direction; and
(viii) effects due to extraneous factors such as traffic noise.

(H18) In conjunction with the measurement and recording of the noise, the location, date and time of recording must be recorded

(H19) The method of measurement and reporting of noise levels must comply with the Department of Environment Noise Measurement Manual, second edition, March 1995, or more recent editions or supplements to that document as become available.

(H20) The measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Report Submission

(H21) 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 are submitted with the Annual Return.

End of Development Conditions for Schedule H

SCHEDULE I - DEFINITIONS

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

(I1) "Act" means the *Environmental Protection Act 1994.*

(I2) "Administering Authority" means the Environmental Protection Agency or its successor.

(I3) "authorised person" means a person holding office as an authorised person under an appointment under the *Environmental Protection Act 1994* by the chief executive.

(I4) "land" in the Land Application Schedule, means land excluding waters and the atmosphere.

(I5) "mg/L" means milligrams per litre.

(I6) "Total Nitrogen" means the sum of Organic Nitrogen, Ammonia Nitrogen, Nitrite plus Nitrate Nitrogen.

(I7) "Total Phosphorus" means the sum of the reactive phosphorus, acid-hydrolyzable phosphorus and organic phosphorus, as mg/L of Phosphorus. This includes both the inorganic and organic fraction of phosphorus.

(I8) "maximum" means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

(I9) "minimum" means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

(I10) "range" means that the measured value of the quality characteristic or contaminant must not be greater than the higher release limit stated nor lower than the lower release limit stated.

(I11) "cfu" means colony forming units.

(I12) "annoyance" - In determining what constitutes "annoyance", regard must be had to Australian Standard 1055.2 - 1989 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Development conditions.

(I13) "$L_{Amax\ adj,\ T}$ " 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.

(I14) "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.

(I15) "Max$L_{pA\ T}$" means the maximum A-weighted sound pressure level measured over a time period of not less than 15 minutes, using Fast response.

(I16) "commercial place" means a place used as an office or for business or commercial purposes.

(I17) "noise sensitive place" means-

(i) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
(ii) a motel, hotel or hostel; or
(iii) a kindergarten, school, university or other educational institution; or
(iv) a medical centre or hospital; or
(v) a protected area; or
(vi) a park or gardens.

(I18) "regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998*, including but not limited to, for the purpose of this authority, treatment tank sludges and residues (including sewage tank sludges and residues) and includes-

(i) for an element - any chemical containing the element; and
(ii) anything that has contained a regulated waste; and
(iii) regulated waste that has been treated or immobilised.

(I19) "noxious" means harmful or injurious to health or physical well-being.

(I20) "offensive" means causing unreasonable offence; is unreasonably disagreeable to the sense; is disgusting, nauseous or repulsive.

(I21) "Sewage Treatment works" includes pump stations and other ancillary works.

(I22) "Holder" means the owner, the owners successors in title and any occupier of the premises to which this development approval relates.

End of Development Conditions for Schedule I

5 Reasons for refusal

In accordance with the *Integrated Planning Act 1997* s3.5.15, this decision notice must include reasons for a refusal. If applicable, reasons for refusing this application are listed below:

NOT APPLICABLE

6 Further development permits required

Other development permits required to undertake the ERA referred to in the development application include:

NOT APPLICABLE

7 Additional comments or advice

NOT APPLICABLE

8 Referral agencies

Concurrence agencies: **NOT APPLICABLE**
Advice agencies: **NOT APPLICABLE**

9 Assessment manager

Organisation: Environmental Protection Agency

Robert Zigterman
Acting District Manager
Date: 12/10/95

10 Additional information for applicants

This approval 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.

Other Environmental Protection Agency approvals, licences and/or sanctions (for example, *Harbours Act 1955, Beach Protection Act 1968, Marine Parks Act 1982, Queensland Heritage Act 1992, Nature Conservation Act 1992*) that are required by this development or works are listed below. This response does not infer that the other necessary approvals, licences and/or sanctions will be granted.

11 Part 4A environmental authority for level 1 ERA(s) with development approvals

Under the *Environmental Protection Act 1994*, a Part 4A environmental authority from EPA will be required:

✓ Yes ☐ No

12 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)).

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.