Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00894009

This registration certificate is issued by the administering authority and is a replacement document for the approval issued on: 24 October 2011.
The anniversary day for the purposes of the Annual Return remains: 4 October.

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:-
Department of Education and Training
Cooran State School
31 James Street
COORAN QLD 4569

Development Approval Number:- IPDE01387309 (formerly DA110)

Place:-
Part of resub 1 Plan MCH355 and Sub 1 Plan MCH2346
Located at:-
31 James Street, COORAN QLD 4569
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

Delegate
Department of Environment and Resource Management
Environmental Protection Act 1994

10-Nov-2011

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

Queensland Government

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22 March 2011

Department of
Environment and Resource Management

Department of Education & Training
Department of Education, Training and the Arts Asset Maintenance Unit
PO Box 15033
CITY EAST QLD 4002

Re: New thresholds for sewage treatment plants

Following a review of the environmental risk and emission profiles for sewage treatment plants (STPs) environmentally relevant activities (ERA), the Queensland Government has amended the *Environmental Protection Regulation 2008 (EP Regulation)*. These changes are retrospective to 1 January 2009 for registration certificates with anniversary dates after this date.

The change given effect through amendment of the *EP Regulation* introduces two new thresholds for low risk STPs. The amendments will impact on those STPs which are designed to treat effluent for between 21 to 100 equivalent persons (EP); and 100 to 1500 EP. These new thresholds have been deemed lower risk because they do not discharge their treated effluent to sensitive waters and instead discharge to an infiltration trench, or through an irrigation scheme.

As a result of these changes, your registration certificate number ENRE00894009 has been reassessed by the Department of Environment and Resource Management. Following this reassessment it has been determined that the threshold of your activity is in a lower threshold (as per the annual notice). A summary of fees and annual returns is outlined in the table below.

Due Date of Annual Return for Registration Certificate	Annual Fee Paid	Revised Annual Fee	Balance	Annual Return Outstanding (y/n)
4/10/2009	$5,400	$2,800	-$2,600	No
4/10/2010	$2,600 (carried over from previous payment)	$2,884	$284 (invoice enclosed)	Yes (enclosed Annual Return for completion)

Enclosed are the following:

- New registration certificate which reflects the new STP threshold
- Annual Notice and Annual Return for each period based on anniversary dates for the Registration Certificate since 1 January 2009.
- An invoice for the annual fee for each period with adjustments for annual fees paid to date.

GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone 1300 130 372
Facsimile 3896 3342
Website www.derm.qld.gov.au
ABN 46 640 294 485

DERM has recently introduced invoices for fees associated with environmentally relevant activities, this invoice outlines online and telephone payment options through BPAY and BPOINT. If you prefer to pay by cheque or credit card please send to:

Permit and Licence Management
Implementation and Support Unit
Department of Environment and Resource Management
GPO Box 2454
Brisbane QLD 4001

If you have been paying your fees by EFT and wish to continue doing so, please contact Permit and Licence Management on 1300 130 372 to discuss this option as there are new arrangements and requirements for EFT transactions.

You will also notice some changes to our annual returns. It has recently been updated and is now pre populated for your convenience. Please ensure you use the latest version of your annual return (attached) and avoid using any previous versions of the document which you may have saved in your records.

The annual notice and invoice set out the due date by which the fee must be paid. Failure to pay by the due date will result in a late fee being imposed and the annual fee and the late fee being recovered as a debt. Failure to pay the associated fee and/or submit an annual return may result in the suspension or cancellation of the permit. Suspension or cancellation would mean that activities authorised to occur under the terms of the permit would have to cease.

Where the activity is no longer being carried out, or is continually operating under the threshold stated in your permit, it is recommended that you contact the Department to discuss amending or surrendering your permit. Payment of the annual fee and submission of an annual return is required where an operator remains registered regardless of whether they are currently operating or not.

It is recognised that significant areas of Queensland are currently affected by recent flooding and cyclone damage. If you feel that you are unable to meet the payment terms or have any other questions please contact Permit and Licence Management on telephone 1300 130 372 or send an email to palm@derm.qld.gov.au.

Yours sincerely



Michael Mawn
A/Director Implementation and Support Unit
Regional Service Delivery
Department of Environment and Resource Management

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00894009

This registration certificate is issued by the administering authority and takes effect from: 22-MAR-2011.

The anniversary day for the purposes of the Annual Return remains: 4 October.

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:-
Department of Education & Training
Water & Environmental Management- Q Build
30 Cribb St,
MILTON QLD 4064

Development Approval Number: IPDE01387309

Place:-
Part of Resub 1 and Sub 1 on MCH355 AND MCH2346
Located at:-
James Street,COORAN QLD 4569
Registered Activity: -
ERA 63 Sewage treatment Threshold 2(a) - operating sewage treatment works, other than no-release works, with a total daily peak design capacity of 21 to 100EP (i) if treated effluent is discharged to an infiltration trench or through an irrigation scheme

C. E. Birt

Cathy Birt
Delegate
Department of Environment and Resource Management
Environmental Protection Act 1994

22-MAR-2011

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

Queensland Government

QUEENSLAND GOVERNMENT
Environmental Protection Agency

Southern Region 288 Edward Street • Brisbane, Queensland • GPO Box 2771 • BRISBANE QLD 4001 • AUSTRALIA
Telephone (07) 3225 8485 • Facsimile (07) 3225 8723 • www.env.qld.gov.au

Development Application Decision Notice

Integrated Planning Act 1997 ss 3.5.11 and 3.5.15

APPLICATION NO.	DA110
APPLICANT	Education Queensland (Cooran State School)
DATE RECEIVED BY EPA	11 July 2000
DATE OF DECISION	13 September 2000
JURISDICTION	*ENVIRONMENTAL PROTECTION ACT 1994*
ROLE	ASSESSMENT MANAGER

Description: Development application for a material change of use for the installation of a new sewage treatment plant and effluent disposal system at Cooran State School.

At the following place:

Lot	Plan	Parish	County
Part of Resub 1	MCH 355	Traveston	Canning
Sub 1	MCH 2346	Traveston	Canning

located at: James Street, Cooran

Type of development

Material change of use of premises -

- ☐ the start of a new use of the premises; or
- ☐ the re-establishment on the premises of a use that has been abandoned; or
- ✓ **a material change in the intensity or scale of the use of the premises**; or
- ☐ the holder of an environmental authority, or development approval, for an environmentally relevant activity proposes to carry out works for the construction or alteration of premises, or for the installation or alteration of plant or equipment in premises, for carrying out the activity; and the construction, alteration or installation will result in an increase of 10% or more in the release of contaminant into the environment under the authority or approval.

100% recycled paper

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 or more equivalent persons but less than 100 equivalent persons.

Decision on development application

In deciding the development application DA110, the Environmental Protection Agency, as assessment manager approves the development application as a development permit, subject to conditions decided by the assessment manager,

Any code for self-assessable development

Any code needed to comply with for self-assessable development related to the development approval.

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.

Appeal

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

Assessment manager

Organisation: Environmental Protection Agency
Sunshine Coast District Office
Southern Region
Postal Address: PO Box 168
COTTON TREE QLD 4558

signed .....

Nerida Budd
District Manager
Sunshine Coast and Gold Coast
Environmental Operations
Southern Region, EPA

date 13/9/00

Conditions of the Development Approval

Schedule A - General

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 DEVELOPMENT CONDITIONS

Maintenance of Plant and Equipment

(A1) The holder of this development approval must:

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

In this condition, "plant and equipment" includes:

(a) plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused;
(b) devices and structures to contain foreseeable escapes of contaminants and waste;
(c) devices and structures used to store, handle, treat and dispose of waste;

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 the 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.

(A4) Copies of any record or document required to be kept by a development condition of this development approval must be provided to any authorised person or the administering authority on request.

Alterations

(A5) 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

(A6) 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.

Nuisance

(A7) Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the place to which this development approval relates.

End of Development Conditions for Schedule A

SCHEDULE B - AIR

Noxious or Offensive Odour

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

End of Development Conditions for Schedule B

SCHEDULE C - WATER

Release of Contaminants to Waters

(C1) Contaminants must not be directly or indirectly released from the place to which this development approval relates to any waters or the bed and banks of any waters except:

(i) as permitted under the stormwater management schedule; or
(ii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.

End of Development Conditions for Schedule C

SCHEDULE D - STORMWATER MANAGEMENT

Contaminant Releases Caused by Rainfall

(D1) Except as otherwise provided by the conditions of the stormwater management schedule and the water schedule of this development approval, this environmentally relevant activity must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminated runoff from the place to which this development approval relates to any stormwater drain or waters or the bed or banks of any such waters. 'Contaminated runoff' for the purpose of this condition of the development approval means stormwater and/or stormwater runoff that contains contaminants that may cause environmental harm.

(D2) Suitable banks and/or diversion drains must be installed and maintained to exclude stormwater runoff from the effluent disposal area and from structures used for the storage of treated sewage effluent.

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 effluents from the treated effluent storage tanks.

Contaminant Release Area

(E2) The defined contaminant release area is that described as the "sub-surface irrigation area", as marked on the figure entitled *"Sewerage Treatment Plant Elevations and Site Plan - Cooran State School"*, Drawing Number: 908-STP2, dated 8 September 1999, produced by Water Tech Wastewater Systems Pty Ltd and submitted with the application for development approval.

(E3) When wet weather or soil conditions preclude the release of contaminants to land, the treated sewage effluent must be tankered away and disposed of to a facility that can lawfully accept such waste, released to a sewer in accordance with an agreement with the local government, or stored in a wet weather storage facility.

Contaminant Release Precautions

(E4) The absorption beds must be maintained in a proper and efficient manner so as to provide adequate assimilation, percolation, evaporation and transpiration of the wastes released to the beds.

(E5) The release of contaminants to land, must be carried out in such a manner that there is no ponding or pooling of contaminants on the surface of the contaminant release area nor seepage of contaminants from the contaminant release area to any waters or stormwater drains or groundwater.

(E6) 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.

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

(E8) Pipelines and fittings for the release of contaminants to land must be clearly identified. Standard water taps, hoses and cocks must not be fitted to contaminant release pipelines, and the contaminant release system must not be connected to other service pipelines. Lockable valves or removable handles must be fitted to the contaminant release pipelines where there is public access to the contaminant release areas.

End of Development Conditions for Schedule E

SCHEDULE F - NOISE

Emission of Noise

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

SCHEDULE F - TABLE 1

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
Time Periods	*Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level* $L_{Amax\ adj,\ T}$
Monday to Friday 7 am - 6 pm Saturday 7 am - 12 noon	Background noise level plus 5 dB(A)
Monday to Saturday 6 am - 7 am Monday to Friday 6 pm - 10 pm Saturday 12 noon - 6 pm	Background noise level plus 5 dB(A)
All other times and public holidays	Background noise level plus 3 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
Time Period	*Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level* $L_{Amax\ adj,\ T}$
Monday to Friday 7 am - 6 pm Saturday 7 am - 12 noon	Background noise level plus 10 dB(A)
Monday to Saturday 6 am - 7 am Monday to Friday 6 pm - 10 pm Saturday 12 noon - 6 pm	Background noise level plus 10 dB(A)
All other times and public holidays	Background noise level plus 8 dB(A)

End of Development Conditions for Schedule F

SCHEDULE G - WASTE MANAGEMENT

Off Site Movement

(G1) Where regulated waste is removed from the place to which this development approval relates, the holder of this development approval must monitor and record 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 condition.)

General

(G2) Waste must not be released to the environment, stored, transferred or disposed of contrary to any condition of this development approval.

(G3) The holder of this development approval must not:

(i) burn waste at or on the licensed place; nor
(ii) allow waste to burn or be burnt at or on the licensed place; nor
(iii) remove waste from the licensed place and burn such waste elsewhere.

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 place to which this development approval relates and disposed of the regulated waste in a manner which is not authorised by this development approval or is improper or unlawful, then the holder of this development approval must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.

End of 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 place to which this development approval relates must be recorded and include the following details:

(i) time, date and nature of complaint; and
(ii) type of communication (telephone, letter, personal etc.); and
(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); and
(iv) response and investigation undertaken as a result of the complaint; and
(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 that may affect the environmental performance of the place to which this development approval relates; and
(ii) the hours of operation of the plant when these events have occurred.

Notification of Emergencies and Incidents

(H3) Where the holder of this development approval has not given notification to the administering authority under section 37 of the *Environmental Protection Act 1994*, 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 conditions of this development approval, the holder of this development approval must notify the administering authority of the release by telephone or facsimile.

(H4) Where the holder of this development approval has not given notification to the administering authority under section 37 of the *Environmental Protection Act 1994*, the notification of emergencies or incidents as required by condition H7 must include but not be limited to the following:

(i) the name of the holder of the development approval; and
(ii) the location of the emergency or incident; and
(iii) the number of the development approval; and
(iv) the name and telephone number of the designated contact person; and
(v) the time of the release; and
(vi) the time the holder of the development approval became aware of the release; and

(vii) the suspected cause of the release; and
(viii) the environmental harm caused, threatened, or suspected to be caused by the release; and
(ix) actions taken to prevent further any release and mitigate any environmental harm caused by the release.

(H5) Where the holder of this development approval has not given notification to the administering authority under section 37 of the *Environmental Protection Act 1994*, not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with condition H4 in addition to:

(i) proposed actions to prevent a recurrence of the emergency or incident; and
(ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
(iii) the results of any environmental monitoring performed.

End of Development Conditions for Schedule H

SCHEDULE I - DEFINITIONS

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

(I1) For the purposes of this development approval any term not otherwise defined in the Act and any subordinate legislation made pursuant to the Act or in the Definitions Schedule of this Development Approval has the meaning conferred to that term in its common usage.

(I2) In the event of any inconsistency arising between the meaning of any term provided in the Definitions Schedule of this development approval and any common usage of that term, the meaning conferred in the Definitions Schedule of this development approval prevails.

(I3) **"Act"** means the *Environmental Protection Act 1994*.

(I4) **"administering authority"** means the Environmental Protection Agency or its successor.

(I5) **"authorised person"** means a person holding office as an authorised person under an appointment under the *Environmental Protection Act 1994* by the chief executive.

(I6) **"land"** in the Land Application Schedule, means land excluding waters and the atmosphere.

(I7) **"$L_{Amax\ adj,\ T}$"** 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.

(I8) **"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.

(I9) **"Background noise level"** means either:

$L_{A90,\ T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period of 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.

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

(I11) **"noise sensitive place"** means any of the following places:

(a) a dwelling;
(b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
(c) a hospital, surgery or other medical institution;
(d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;
(e) a marine park under the Marine Parks Act 1982;
(f) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

(I12) **"dwelling"** means any of the following structures or vehicles that are principally used as a residence:

(a) a house, unit, motel, nursing home or other building or part of a building;
(b) a caravan, mobile home or other vehicle or structure on land;
(c) a watercraft in a marina

(I13) **"intrusive noise"** means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

(a) is clearly audible to, or can be felt by, an individual; and
(b) annoys the individual (In determining 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 situations).*

(I14) **"waste"** includes any thing that is -

(a) left over, or an unwanted by-product, from an industrial, commercial, domestic or other activity; or
(b) surplus to the industrial, commercial, domestic or other activity generating the waste.

Waste can be a gas, liquid, solid or energy, or a combination of any of them. A thing can be waste whether or not it is of value

(I15) **"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-

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

End of Development Conditions for Schedule I

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.