



**ENVIRONMENT, RESOURCES
& DEVELOPMENT COURT**

FACT SHEET

(Please refer to our website www.courts.sa.gov.au/courts/environment/index.html for more information)

Please read the following information before lodging your appeal

(Environment Protection Act, Natural Resources Management Act, Heritage Act, Native Vegetation Act, Upper South East Dryland Salinity & Flood Management Act, Mining Act)

PREPARING YOUR NOTICE OF APPEAL

- You should be concise when you list your reasons. If you are an applicant appealing against a condition, or a representor appealing against a consent, you should list reasons for your appeal.
- You must attach a copy of the order, notice, or notice of decision of the Authority, which you are appealing against.
- You must immediately provide a copy of the “Notice of Appeal” to the Relevant Authority. i.e Minister for Environment & Conservation or EPA, etc.**

FEES

- A **\$198.00** initial lodgement fee (which is not subject to GST) must accompany the attached Notice of Appeal.
- If matter proceeds to hearing, a hearing fee of **\$218.00** will apply, and an invoice will be sent to you. Cheques should be made payable to the: **“Environment, Resources and Development Court”**.

LODGING APPEAL

- No form is prescribed for an appeal, but certain information must be provided. The attached form sets out that information, and may be used.
- Notice of Appeal must be signed by:
 - the appellant(s);
 - his/her/their solicitor; or
 - any other representative authorised by the appellant(s).
- Appeals must be lodged either:
 - ⇒ **In person at:**
 - The Environment Resources and Development Court Registry
 - Sir Samuel Way Building, Victoria Square, Adelaide, SA, *or*
 - Any country Court Registry; *or*
 - ⇒ **By post to:**
 - The Registrar
 - The Environment Resources and Development Court
 - GPO Box 2465, Adelaide, SA 5001
- If more than one person is appealing, *only one* address for service should be given.
- A body corporate should execute this document under Common Seal. An attorney under power may execute this document on behalf of a natural person or a body corporate.

PROCESS

- A required conference of the parties will be held as soon as possible, usually within 4-6 weeks.
- If no agreement and settlement is reached at the conference, the matter will proceed to a hearing.
- A hearing may be by presentation of evidence and submissions in a courtroom or other local venue, or if all parties agree, by written submission.

You should indicate your preference on the appeal notice.

- The Court inspects the subject land and surrounding area in the presence of the parties.
- Judgment of the Court is usually given within 6-8 weeks from the conclusion of the hearing.

Mobile phones must be switched off prior to entering the conference room or court room.

(Please refer to guides for self-represented litigants on conferences and hearings for further information)

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT

NOTICE OF APPEAL – FILE NO: ERD- _____ (ERD Court to allocate later)

(Environment Protection Act, Natural Resources Management Act, Heritage Act, Native Vegetation Act, Upper South East Dryland Salinity & Flood Management Act, Mining Act)

NAME OF APPELLANT(s): _____

RESIDENTIAL ADDRESS: _____ P/C _____

☎ (W): _____ (H): _____ (M): _____

EMAIL: _____ (fax): _____

ADDRESS FOR SERVICE OF DOCUMENTS & NOTICES: _____

_____ P/C _____

WHAT ARE YOU APPEALING AGAINST (order, refusal for licence, etc.): _____

DATE OF DECISION/NOTICE Etc: _____

DATE YOU RECEIVED DECISION/NOTICE Etc: _____

NAME & ADDRESS OF AUTHORITY: _____

REASONS FOR APPEAL: (list your reasons - attach another sheet if required) _____

DO YOU SEEK AN **EARLY/URGENT** HEARING – PLEASE STATE YOUR REASONS:

INDICATE HERE IF YOU WOULD *PREFER* A HEARING BY **WRITTEN SUBMISSION ONLY** REQUIRING A VIEW BUT NOT ATTENDANCE IN COURT (see attached fact sheet)

PREFERENCE TO RECEIVE JUDGMENT/DECISION: Email Fax Post

SIGNED: _____ **DATED:** _____

PLEASE NOTE: You must immediately provide a copy of the “Notice of Appeal” to the relevant Authority (ie. Minister for Environment & Conservation or EPA, etc.)