



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
(Development 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 Planning Authority. i.e Council OR Development Assessment Commission.**

FEES

- A **\$105.00** initial lodgement fee (which is not subject to GST) must accompany the attached Notice of Appeal.
- If the matter proceeds to hearing, a hearing fee of \$212.00 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 (Development Act only)

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 (planning decision, enforcement notice, etc.): _____

DATE OF DECISION/NOTICE Etc: _____

DATE YOU RECEIVED DECISION/NOTICE Etc: _____

NAME & ADDRESS OF AUTHORITY: _____

NATURE OF PROPOSED DEVELOPMENT: _____

LOCATION OF PROPOSED DEVELOPMENT: _____

_____ CATEGORY OF PROP. DEVELOP. (1/2/3): _____

NAME OF THE APPLICANT WHO RECEIVED APPROVAL/REFUSAL FOR DEVELOPMENT:
(if same as appellant write "as above")

ARE YOU THE APPLICANT OR REPRESENTOR? _____

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 Planning Authority (ie. Council OR Development Assessment Commission)