**South Australia**

**Environment Resources and Development Court Rules 2003**

**APPROVED FORMS**

**Approved Forms relating to the Environment Resources and Development Court Rules 2003.**

**INDEX TO FORMS**

[Form 4 Application Form to join as a party 3](#_Toc425253415)

[Form 5 Notice of Discontinuance 5](#_Toc425253416)

[Form 6 Application 7](#_Toc425253417)

[Form 7 Affidavit 9](#_Toc425253418)

[Form 8 Affidavit – Exhibit Frontsheet 11](#_Toc425253419)

[Form 9 Summons – Civil Enforcement 12](#_Toc425253420)

[Form 10 Notice of Address for Service 15](#_Toc425253421)

[Form Notice of Appeal – Development Act 17](#_Toc425253422)

[Form Notice of Appeal – Other 19](#_Toc425253423)

Form 4 Application to join as a party

**IN THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA**

**No** **of**

**BETWEEN**

……………………………………………………………………………………

*[Name] [and Another / Others],* [*Nature of Party/Parties*]

and

………………………………………………………………………………………….

*[Name] [and Another / Others],* [*Nature of Party/Parties*]

**APPLICATION TO BE JOINED AS A PARTY**

Filed on behalf of the [*Nature of Party/Parties*]**,** [*Name(s)*]by [*Solicitor*]

[*OR*]

Filed by [*Nature* of *Party/Parties*] [*Name(s)*] ………………………………………

*[Address] [Mandatory Field]* ……………………………………………….

[*Telephone*] ……………………………………………….

[*Mobile*] ……………………………………………….

[*Facsimile*] ……………………………………………….

[*DX Box*] ……………………………………………….

[*Email*] ……………………………………………….

[*'L' Code*] ……………………………………………….

[*‘P’ Code*] ……………………………………………….

Date and time of filing or transmission: ……………………………………………

Development Application Number (if applicable): …………………………………….

Name and Address of Appellant(s): ………………………………………………….

………………………………………………….

………………………………………………….

………………………………………………….

Name and Address of Respondent(s): ………………………………………………….

………………………………………………….

………………………………………………….

………………………………………………….

Outline the nature of your interest in this matter (include your physical location in relation to the subject land):

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

List the reasons you would like to be made a party to this action:

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

Please select **one** of the following options which best describes your intentions if you were joined as a party to this appeal:

❑ I wish to give evidence and call expert evidence in support of my case

❑ I wish to give evidence

❑ I wish to make a statement/submission to the Court

❑ I wish to participate in the conference only

If you plan to call expert evidence what type of evidence do you plan to call:

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

**SIGNED:**  **DATE:**

***NOTE:*** *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.

Form 5 Notice of Discontinuance

**IN THE ENVIRONMENT RESOURCES & DEVELOPMENT COURT**

**OF SOUTH AUSTRALIA**

**No of**

**BETWEEN**

*[Name] [and Another / Others],* [*Nature of Party / Parties*]

**Applicant**

and

*[Name] [and Another / Others],* [*Nature of Party / Parties*]

**Respondent**

**NOTICE OF DISCONTINUANCE**

Filed on behalf of the [*Nature of Party / Parties*]**,** [*Name(s)*]by [*Solicitor*]

[*OR*]

Filed by [*Nature* of *Party / Parties*] [*Name(s)*]

[*Address*] [*Mandatory Field*]

[*Telephone*]

[*Mobile*]

[*Facsimile*]

[*DX Box*]

[*Email*]

[*‘L’ Code*]

[*‘P’ Code*]

Settled by:

Date and time of filing or transmission: [*Computer generated if filed electronically*]

**NOTICE OF DISCONTINUANCE**

The *Appellant(s)/Applicant(s)* hereby discontinue the action against the respondent(s)/defendant(s)…………….

Signed……………………………..

(Print name)…………………………

Form 6 Application

**IN THE ENVIRONMENT RESOURCES & DEVELOPMENT COURT**

**OF SOUTH AUSTRALIA**

**No of**

**BETWEEN**

*[Name] [and Another / Others],* [*Nature of Party / Parties*]

**Applicant**

and

*[Name] [and Another / Others],* [*Nature of Party / Parties*]

**Respondent**

**APPLICATION**

Filed on behalf of the [*Nature of Party / Parties*]**,** [*Name(s)*]by [*Solicitor*]

[*Address*] [*Mandatory Field*]

[*Telephone*]

[*Mobile*]

Settled by:

**APPLICATION**

Let all parties concerned attend in Chambers (or in Open court) at the Sir Samuel Way Building, Victoria Square, Adelaide on a hearing on a date and at a time to be advised at which the applicant/respondent (or as the case may be) will seek orders:

1.

2.

3.

4. Any other orders the court sees fit.

[*Signed*] ………………………………………..…..

[*Name(s)*], [*Nature of the Party/Parties*]

Form 7 Affidavit

**IN THE ENVIRONMENT RESOURCES & DEVELOPMENT COURT   
OF SOUTH AUSTRALIA**

**No of**

**BETWEEN**

*[Name] [and Another / Others]*,[*Nature of Party / Parties*]

**Appellant/Applicant**

and

*[Name] [and Another / Others],* [*Nature of Party / Parties*]

**Respondent/Defendant**

**AFFIDAVIT**

Filed on behalf of the [*Nature of Party / Parties*]**,** [*Name(s)*]by [*Solicitor*]

[*OR*]

Filed by [*Nature* of *Party / Parties*] [*Name(s)*]

[*Address*] [*Mandatory Field*]

[*Telephone*]

[*Mobile*]

Settled by:

Date and time of filing or transmission: [*Computer generated if filed electronically*]

**AFFIDAVIT**

I [*full name, address and occupation of deponent*] TAKE AN OATH / MAKE AN AFFIRMATION [*delete one or the other*] AND SAY:

[*set out text of affidavit in successive, numbered paragraphs*]

Sworn / Affirmed [*delete one or the* other] by the abovenamed Deponent

at [*Place*]

on [*Date*]

……………………………………..

[Signature of Deponent]

Before me [Signature and title of Attesting witness]

[*Print Name of Witness*]

[*ID Number of Witness*]

Form 8 Affidavit – Exhibit Frontsheet

**IN THE ENVIRONMENT RESOURCES & DEVELOPMENT COURT   
OF SOUTH AUSTRALIA**

**Action No.**

**BETWEEN**

**Appellant/Applicant**

and

**Respondent/Defendant**

**EXHIBIT TO AFFIDAVIT MARKED “ ”**

This is the exhibit marked “ ” to the Affidavit of

Sworn on

Before me:

Form 9 Summons – Civil Enforcement

**SOUTH AUSTRALIA**

**FDN**

**IN THE ENVIRONMENT, RESOURCES & DEVELOPMENT COURT**

No. of 20

**BETWEEN**

Applicant

-and-

Respondent

**SUMMONS**

Summons issued at the request of the Applicant, *Name of the Applicant*

Solicitor for the Applicant: *Law Firm's Name*

*Law Firm's Address*

*Telephone*

*Facsimile*

*[DX Box]*

*[Email]*

*['L' Code]*

*['P' Code]*

Date of filing:

Summons issued at the request of the Applicant, *Name of the Applicant*of *Address*, South Australia.

To: *Name of the Respondent*of *Address*.

*[Set out text of relevant judgment/order]*

*[If applicable specify grounds in successively marked and numbered paragraph]*

*[Set out relief sought in successively numbered paragraphs]*

The facts upon which the applicant relies are set out in the affidavit of *Name of the person on the Affidavit*served with this Summons.

If you wish to be heard or to oppose the making of any of these orders, you or your solicitor must file a Notice of Address for Service within 14 days after service of this Summons on you.

This Notice of Address for Service must be filed at a Registry of the Court. A list of the Registry addresses is attached.

If you do not have a solicitor, you may attend personally at a Registry to do this.

If a Notice of Address for Service is not filed within the time stated, orders may be made against you in your absence.

**DATED** the day of 2019

This summons remains in force for three months only after its date of issue unless it has been extended by order of the Court.

Registrar

List of Registry Addresses

Environment Resources   
and Development Court Sir Samuel Way Building, Victoria Square, Adelaide 5000

Berri 4 Kay Avenue, Berri 5343

Ceduna 7 McKenzie Street, Ceduna 5690

Coober Pedy Malliotis Blvd, Coober Pedy 5723

Kadina Graves Street, Kadina 5554

Mount Barker 37 Hutchinson Street, Mount Barker 5251

Mount Gambier 41 Bay Road, Mount Gambier 5290

Murray Bridge 7 Bridge Street, Murray Bridge 5253

Naracoorte 54 Smith Street, Naracoorte 5271

Port Augusta 4 Flinders Lane, Port Augusta 5700

Port Lincoln 1 Liverpool Street, Port Lincoln 5606 (enter via Adelaide Place)

Port Pirie 20 Main Road, Port Pirie 5540

Tanunda 40 Murray Street, Tanunda 5352

Whyalla 1 Whitehead Street, Whyalla 5600

Form 10 Notice of Address for Service

**IN THE ENVIRONMENT, RESOURCES & DEVELOPMENT COURT**

**OF SOUTH AUSTRALIA**

No. of

**BETWEEN**

*[Name] [and Another / Others],* [*Nature of Party / Parties*]

**Appellant/Applicant**

and

*[Name] [and Another / Others],* [*Nature of Party / Parties*]

**Respondent/Defendant**

**ADDRESS FOR SERVICE**

Filed on behalf of the [*Nature of Party / Parties*]**,** [*Name(s)*]by [*Solicitor*]

[*OR*]

Filed by [*Nature* of *Party / Parties*] [*Name(s)*][*Address*] [*Mandatory Field*]

[*Telephone*]

[*Mobile*]

[*Facsimile*]

[*DX Box*]

[*Email*]

[*'L' Code*]

[*‘P’ Code*]

Settled by:

Date and time of filing or transmission: [*Computer generated if filed electronically*]

**NOTICE OF** **(**Insert nature of notice**)**

(The inapplicable paragraphs of this Form **must** be deleted)

1. **Notice of Address of Service by a Defendant**

The Defendant(s), [*Name(s)*] acknowledge(s) the service of the [*document*] in this action.

2. **Notice of Acting by a Solicitor**

AB, solicitor, now acts for the [*Nature of Party/Parties*] [*Name(s)*].

(Whoever is named here as the solicitor will be the solicitor on the record).

3. **Notice of Acting in Person**

The [*Nature of Party/Parties*] [*Name(s)*] are not longer represented by a solicitor and act in person.

The Address for Service of such [*Nature of Party/Parties*] is shown on page 1 attached hereto.

[Signed] …………………………………….

[*Solicitor for the abovenamed* [*Nature of Party/Parties*] [*Names*]]

[***OR***]

[*Name(s)*], [*Nature of Party/Parties*]]

**NOTE: If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.**

Form Notice of Appeal – Development Act

**ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT**

NOTICE OF APPEAL (*Development Act* only) File No: ERD- -

(ERD Court to allocate later)

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 ❑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)**

Form Notice of Appeal – Other

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 ❑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.)**