

South Australia
Environment Resources and Development
Court Rules 2003

APPROVED FORMS

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

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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.

**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).....

**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]

**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]

**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:

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 2020

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
Cooper Pedy	Malliotis Blvd, Cooper 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

**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.

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)


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)

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.)