

Appeal Rights (as an Applicant)



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As an applicant, you have appeal rights to any decision notification issued by Council if:

- ❖ The notification is a refusal; **or**
- ❖ The notification is a consent/approval with conditional imposed.

If the application was for a Non-complying form of development you **DO NOT** have any appeal rights.

An appeal must be lodged within **two (2) months** after receiving notice of a decision unless the Environment Resources and Development (ERD) Court, in its discretion, allows an extension of time.

If you wish to lodge an appeal the ERD Court is located at Sir Samuel Way Building, Victoria Square, Adelaide. Alternatively you can contact the ERD Court on 8204 0300.

Appeal rights do not extend to applicants for Non-complying development, other than where the development is necessary by reason of a change in law regulating an existing use of land or an Emergency/Fire Safety Order.

Third Party Appeals

If your application was subject to Category 3 Public Notification where third party representations were received, any consent is not operative until fifteen (15) business days from the date of the decision. During this fifteen (15) day period, third party representors may lodge an appeal should they be aggrieved by Council's decision made on the development. If a third party appeal is lodged the consent is not operative until such time as a determination is made by the ERD Court. To find out if a third party appeal has been lodged, please contact the ERD Court on telephone 8204 0300.

Obligations (as an Applicant)

The development must be substantially commenced or, in the case of land division, you must apply to the Development Assessment Commission (DAC) for a Certificate within **twelve (12) months** of the date of this notification unless this period has been extended by the Council or the DAC.

and

Any act or work authorised or required by this Notification must be completed within **three (3) years** of the date of the Notification or a longer time as allowed by the Council or DAC.

Please note – If you are unable to satisfy these requirements you will be required to obtain a fresh consent/approval before commencing or continuing the development.