

23 January 2013

ULDA Ref. No: DEV2012/399

Michael Forwood
Brookfield Residential Properties c/- RPS Group
PO Box 1559
Via email: michael.forwood@rpsgroup.com.au

Dear Michael

RE: SECTION 54 NOTICE OF APPLICATION FOR AN UDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE RESIDENTIAL (31 DWELLING UNITS), SHOP, FOOD PREMISES AND MEDICAL CENTRE AT 35A HERCULES STREET, HAMILTON DESCRIBED AS LOTS 910 ON SP172657, PART LOT 603 ON SP172640, LOT 605 ON SP213403 AND COMMON PROPERTY ON SP172640.

Thank you for your response to the ULDA's information request received by the ULDA on 23 January 2013.

The ULDA is satisfied that the information request has been complied with and that notice of the UDA development application must now commence in accordance with s. 54(1)(b) of the *Urban Land Development Authority Act 2007* (the Act) and s. 4 of the *Urban Land Development Authority Regulation 2008* (the Regulation).

A copy of s. 54 of the Act and s. 4 of the Regulation is **enclosed** for your information.

As soon as practicable please advise the ULDA of the date that notification commenced. Upon completion of public notification please provide evidence to demonstrate compliance with the requirements set out above.

Should you have any queries in relation to the progress of your UDA development application, please do not hesitate to contact Brianna Fyffe on 3174 0206.

Yours sincerely



MATT TOON
PRINCIPAL PLANNER – DEVELOPMENT ASSESSMENT

54 Urban Land Development Authority Act 2007 - Notice of Application

(1) This section applies only if—

- (a) the land use plan or interim land use plan for the relevant urban development area requires public notice of UDA development applications; or
- (b) the authority, within 20 business days after the making of the application, gives the applicant notice that the applicant must comply with this section.

(2) The applicant must—

- (a) publish a notice about the application in a newspaper circulating in the area of the relevant local government; and
- (b) give a copy of the notice to each entity the authority requires the applicant to give a copy to; and
- (c) place the notice on the land in the way prescribed under a regulation; and
- (d) give the notice to the owners of all land that adjoins the land.

(3) However, if an information request has been given for the application, the steps under subsection (2) must not start until the applicant has complied with the request.

(4) The notice must—

- (a) state that—
 - (i) the applicant has made a UDA development application; and
 - (ii) the application may be inspected on the authority's website; and
- (b) describe the relevant land; and
- (c) generally describe the relevant development; and
- (d) invite anyone to make submissions to the authority about the application within a stated period (the **submission period**); and
- (e) state that the making of a submission does not give rise to a right of appeal against a decision about the application.

(5) The submission period—

- (a) must not start before subsection (2) is complied with; and
- (b) must be at least 20 business days; and
- (c) must not include any business day from 20 December in a particular year to 5 January in the following year, both days inclusive.

(6) A requirement under subsection (2)(b) may be made only if the authority considers the entity has an interest in the outcome of the application.

4 Urban Land Development Authority Regulation 2008 – Placing notice about UDA development application on land

- (1) This section prescribes for section 54(2)(c) of the Act the way a notice about a UDA development application must be placed on land.
- (2) The notice must be –
 - (a) placed on, or within 1.5m of, the road frontage for the land; and
 - (b) mounted at least 300mm above ground level; and
 - (c) positioned so that it is visible from the road; and
 - (d) made of weatherproof material; and
 - (e) not less than 1200mm x 900mm.
- (3) The lettering on the notice must be –
 - (a) for lettering in the heading of the notice at least 50mm in height and in a bold style; or
 - (b) for lettering in any subheadings of the notice at least 25mm in height and in a bold style; or
 - (c) for lettering not mentioned in paragraphs (a) and (b) at least 25mm in height, of regular weight and in sentence case.
- (4) Each sentence in the notice must start on a new line.
- (5) If the land has more than 1 road frontage, a notice must be placed on each road frontage for the land.
- (6) The applicant must maintain the notice from the day it is placed on the land until the end of the submission period for the application.
- (7) In this section road frontage, for land, means –
 - (a) the boundary between the land and any road adjoining the land; or
 - (b) if the only access to the land is across other land the boundary between the other land and any road adjoining the other land at the point of access.