

## MEMO

**TO: HUNTER CENTRAL COAST JOINT REGIONAL PLANNING PANEL**  
**FROM: SCOTT COX, MANAGER DEVELOPMENT AND REZONING**  
**DATE: 12 DECEMBER 2013**  
**SUBJECT: DA 514/2013 – ALTERATIONS AND ADDITIONS TO SHOPPING CENTRE  
AND ASSOCIATED CAR PARKING**

### **Amendment to proposed Condition No 33 and 35**

=====

#### **Dear Panel Members**

Council has received a late submission from Mr Dan Brindle, of BBC Planners (copy attached).

The submission has highlighted an error with the following conditions.

Condition No 33 and 35 currently states

- 33 The developer shall enter into a Transport Infrastructure Contribution (TIC) Deed with RMS as a mechanism to enable the payment of monetary contributions to RMS towards the upgrade of the Pacific Motorway/Wyong Road interchange upgrade opened to traffic in February 2013 and the Pacific Highway/Wyong Road intersection upgrade currently in planning. The combined contribution amount shall be 1.5m in 2013 dollars, with \$573,000 payable prior to the issuing of a construction certificate for the proposed development and the remainder payable upon completion of the upgrade of the Pacific Highway/Wyong Road intersection. The TIC Deed shall be executed prior to the issuing of a construction certificate for the proposed development.
- 35 Legal and other costs to the developer associated with the development, execution and ongoing maintenance of the TIC Deed, and any future changes to the Deed initiated by the developer and agreed by RMS, shall be at full cost to the developer and no cost to RMS.

Council staff have reviewed the submission and sought the advice of its General Counsel and have amended the conditions as follows

- 33 The applicant shall enter into a Voluntary Planning Agreement with the Roads and Maritime Service (RMS) as a mechanism to enable the payment of monetary contributions to RMS for the upgrade of the Pacific Motorway/Wyong Road interchange upgrade opened to traffic in February 2013 and the Pacific Highway/Wyong Road intersection upgrade currently in planning. The combined contribution amount shall be \$1.5million in 2013 dollars, with \$573,000 payable prior to the issuing of a construction certificate for the proposed development and the remainder payable upon completion of the upgrade of the Pacific Highway/Wyong Road intersection. The Voluntary Planning Agreement shall be executed prior to the issuing of a construction certificate for the proposed development.

- 35 Legal and other costs to the developer associated with the development, execution and ongoing maintenance of the Voluntary Planning Agreement (VPA), and any future changes to the VPA initiated by the developer and agreed by RMS, shall be at full cost to the developer and no cost to RMS.

For discussion at the Panel Meeting.

Regards

Scott Cox  
**Manager**  
**DEVELOPMENT AND REZONING**