



NSW GOVERNMENT
Department of Planning

Epping Town Centre Study

Hornsby Shire Council & Parramatta City
Council

Planning Reform Fund

Memorandum of Understanding

Between

Department of Planning (“the Department”)

And

**Hornsby Shire Council & Parramatta City Council
 (“the Organisation”)**

Purpose of the Memorandum of Understanding (MOU)

This Memorandum of Understanding (MOU) is between the Director-General of the Department of Planning (**the Department**) and Hornsby Shire Council (HSC) & Parramatta City Council (PCC) (**the Organisation**) to undertake the project as detailed and agreed in Schedule A (**the Project**) under the Planning Reform Fund.

The Terms and Conditions for funding the Project are listed in Schedule B and the contact details of the parties are listed in Schedule C.

Objectives of the Planning Reform Fund (PRF)

Reform of the planning system is a priority of the NSW Government to deliver a more effective and efficient system. Modernising local planning is a key part of these reforms.

The intention of the PRF is to improve the NSW planning system consistent with the provisions of clause 245 of the *Environmental Planning and Assessment Regulation 2000*.

The aim of the PRF is to support the development and implementation of reforms to the planning system, to streamline the planning process, making it more strategic, efficient and transparent while enhancing community involvement.

The PRF helps fund the reforms and can assist Councils in particular by supporting the delivery of new local plans and key strategic planning projects.

The PRF supports Councils and other organisations to:

- prepare new principal LEPs (including mapping) based on the Standard Instrument (LEP) Order 2006, and to be delivered over five years (commencing March 2006)
- undertake sub-regional and local planning strategies to support new LEPs — (eg to identify potential for housing and employment capacity, or to identify biodiversity conservation areas)
- prepare economic development strategies to support new LEPs — (eg for designated business and industrial zones or strategic centres and corridors, or to implement State resource sector strategies)
- identify solutions to broader issues that can be applied in other areas — (eg planning for rural lands or regional town centres or areas required to manage substantial change, natural resource planning, or management of salinity)


Signed on behalf of the Director-General
of the **Department of Planning**
by the Regional Director



Date... 11 Feb 10

Signed on behalf of

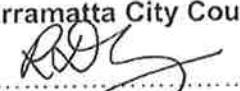
Hornsby Shire Council



By the General Manager

Date ... 3/3/10

Parramatta City Council



By the Chief Executive officer

Date ... 22/2/10

Schedule A – Project Plan

To be completed in co-operation between the Organisation/Council and the Department of Planning (DOP).

Project Name:	Epping Town Centre Study
Project Organisation:	Hornsby Shire Council & Parramatta City Council

1. Aim, Outcomes, Scope and Constraints

1.1 Aim and Objectives

The aim of the Epping Town Centre Study is to explore the potential for the Epping Town Centre to accommodate increased residential and employment growth to fulfil its role as a Town Centre in the Metropolitan Context and to maximise the benefits arising from State Government infrastructure investment. The Study will inform future planning controls and infrastructure requirements to accommodate this growth and provide certainty for Epping residents and businesses on the future of Epping.

The objectives of the Epping Town Centre Study are to:

- analyse transport issues within the Study area and model transport outcomes, including consideration of public transport capacity, parking provision and pedestrian/cycling opportunities;
- analyse the major issues, development opportunities and constraints for the Study area;
- explore 2 growth scenarios (short term and long term) for the Epping Town Centre and report in terms of number of additional dwellings, employment (commercial) floor space and retail floor space available under each scenario. This should include consideration of development outcomes endorsed by Parramatta City Council, particularly for the short term scenario;
- identify infrastructure (including transport) upgrades required to accommodate each scenario;
- deliver an urban structure plan for each scenario, including the development of planning controls for the Epping Town Centre. The controls should include complementary planning proposals and development control plans (DCPs) for the Hornsby and Parramatta sides of the Centre; and
- identify funding sources for the provision of any proposed works and facilities associated with development, including the viability of a combined state/local infrastructure charge.

1.2 Outcomes and Outputs

The outputs of the Epping Town Centre Study are:

- **Transport Capacity Analysis and Scoping:** Capacity analysis, traffic modelling and car parking analysis which address the traffic congestion and transport interchange issues which currently affect the Centre. The Analysis will have regard for the existing planning studies for Epping prepared on behalf of Parramatta Council and the development scenarios prepared for the Study area.

The Analysis will consider both short term and long term development scenarios for the Study area. The short term scenario will acknowledge that there may be limited ability to undertake major road works and additional transport infrastructure. However, the Analysis will demonstrate that the progression of the short term scenario complements the progression of any future long term transport solutions.

The focus of the Analysis will be on the short term scenario. The long term scenario will involve a higher level, conceptual analysis including identification of significant improvements to the road network and transport infrastructure (including a ring road or tunnel). This scenario would facilitate maximum growth of the Town Centre and surrounds.

For each scenario, the Analysis will outline the expected transport infrastructure/road changes and indicative costs. Each scenario will be reported in terms of the number of additional dwellings, employment (commercial) floor space and retail floor space required to support the option.

- **Opportunities and Constraints Analysis*:** Review of previous studies undertaken on the Centre for background information and identification of key issues affecting the Centre. The analysis will include identification of land capability in relation to identified opportunities and constraints (including land ownership, heritage, topography, urban design, geotechnical, flora and fauna, and building type and condition).

The analysis will include economic forecasting to determine the feasibility of opportunities for job growth, retailing and the role of Epping in relation to surrounding centres and proposed controls for that part of the Study area contained within Parramatta City. The analysis will also address the economic viability of proposed planning controls.

- **Urban Structure Plan*:** In light of the opportunities and constraints analysis, a Structure Plan that identifies the appropriate footprint for development, recommended zonings and height controls, and presents options for improved linkages and connectivity to increase civic amenity. The Plan will review parking capacity for commuter and centre-use parking and identify funding sources for the provision of any proposed works and facilities associated with anticipated development.

Following determination of the extent of the commercial/mixed use core, the Structure Plan will identify areas capable of supporting increased residential densities within the surrounding walkable catchment.

- **Draft Planning Controls:** Planning controls prepared in accordance with the State Government planning reforms to implement the recommendations of the Urban Structure Plan. The controls will be capable of being incorporated into Hornsby and Parramatta Councils' Comprehensive LEP and Consolidated DCP. In the case of the PCC side of Epping, this will involve review of the planning controls already prepared and adopted by PCC.

1.3 Project Scope

The Epping Town Centre Study is an initiative of the NSW Government to develop joint planning controls for Epping. The draft West Central and North Subregional Strategies identify the Study as a State Government initiative to maximize opportunities arising from investment in rail infrastructure within the region.

The Epping Town Centre Study will enable the future growth potential of Epping to be investigated on a holistic basis and facilitate development required to respond to the need to rejuvenate the Centre. Once the Study is completed, revised planning controls will be progressed for each side of the Epping Town Centre.

Both Parramatta City (PCC) and Hornsby Shire Council (HSC) are required to prepare new comprehensive LEPs in accordance with the Standard Instrument LEP Order 2006 (as amended). PCC has already prepared draft planning controls for its side of the Epping Town Centre (including a review of heritage items and conservation areas) to form part of its draft comprehensive LEP. However, the DOP has required that heritage controls be deferred and form part of considerations under the Epping Town Centre Study.

Specifically, the controls for the PCC side of Epping in association with potential development scenarios for the Hornsby side of Epping require traffic and car parking modelling to identify traffic management issues in and around the Centre to enable revitalisation of Epping and growth in accordance with its Town Centre role.

HSC is currently in the process of preparing its comprehensive LEP. It is anticipated that any recommended changes to planning controls arising from the Epping Town Centre Study for the Hornsby side of the railway line, will be incorporated into Hornsby Council's comprehensive LEP.

The preparation of the Study is anticipated to be undertaken over a twelve (12) month period and will be completed in five steps as follows:

Step 1: Transport Capacity Analysis and Scoping: Public transport analysis, review of the pedestrian/cycling environment, car parking and traffic modelling. Two scenarios to be scoped based on short term (scenario 1) and long term growth (scenario 2).

Step 2: Opportunities and Constraints Analysis*: Land ownership mapping, employment, economic and residential forecasting.

Step 3: Development of Retail/Commercial Core*: Structure Plan for the Town Centre and investigation of a combined state/local infrastructure charge.

Step 4: Development of Surrounding Residential Areas within Walkable Catchment*: Review of controls for the area surrounding the Town Centre and within the walkable catchment.

Step 5: Finalisation and Implementation: Endorsement by Hornsby and Parramatta Councils and the DOP of revised planning controls, infrastructure contributions plan and public domain improvement plan.

* For the Parramatta side of Epping, the Study only requires a review of existing studies.

1.4 Assumptions, Constraints and Risks

It is assumed that, when finalised, the North and West Central Subregional Strategies, will maintain the status of Epping as a Town Centre in the commercial centres hierarchy.

The period identified for the completion of the project (i.e. 12 months) is proposed on the basis of the Councils endorsing the various components of the project when presented to the Councils.

2. Resources Needed

2.1 Existing Staff Support

Staff Member and Position	Project Role	Time Required	Source of Funds
Scott Philips, Executive Manager, Planning Division	Project Director	5%	Hornsby Shire Council
James Farrington – Manager, Town Planning Services	Project Manager	10%	Hornsby Shire Council
Karen Harragon – Principal Strategic Planner	Project Coordinator	55%	Hornsby Shire Council
Sue Stewart – Senior Project Officer	Member of the project Steering committee	10%	Parramatta City Council
Su Cram – Place Manager	Member of the project Steering committee	10%	Parramatta City Council
Mitchell Noble – Planning Officer	Member of the project Steering committee and Liaison Officer	10%	Department of Planning

2.2 Project Funding

Approved PRF Funding	\$ 125,000
Organisation Funding (Hornsby Shire) Council	\$ 100,000
Funding from other sources	Nil
TOTAL PROJECT FUNDING (excluding GST)	\$ 225,000

3. Project Workplan

Description of Tasks and Milestones	Timeframe	Responsibility	Output to be achieved
Resolution by Hornsby and Parramatta Councils to prepare planning proposals for the Epping Town Centre Study area	February 2010	HSC/PCC	Submission of planning proposal to the DOP for Gateway Determination
Gateway determination by the DOP confirming the scope of the Study and outlining requirements for community consultation	March 2010	DOP	Gateway Determination
Preparation of Tender documentation for consultant involvement in the Study	February - April 2010	HSC in consultation with the DOP and PCC	Endorsement of Tender Documentation
Advertisement of Tender for consultant input into the Study and evaluation of submissions	April - May 2010	HSC in consultation with the DOP and PCC	Engagement of the successful consultant
Study commencement	June 2010 - February 2011	Consultant under supervision of Steering committee	Study prepared
Step 1 - Transport Capacity Analysis and Scoping	5 weeks		
Step 2 - Opportunities and Constraints Analysis	3 weeks		
Review of development scenarios (report to Councils)	4 weeks		
Step 3 - Development of	7 weeks		

Retail/Commercial Centre			
Step 4 – Development of Surrounding Residential Areas within Walkable Catchment	7 weeks concurrent with Step 3		
Review of draft recommendations (report to Councils)	4 weeks		
Step 5 – Finalisation and Implementation	6 weeks		
Resolution by Hornsby and Parramatta Councils to progress planning proposals in accordance with recommendations of the Study. Endorsement by the Councils and DOP of infrastructure contributions and public domain improvement plans for public exhibition	March 2011	HSC/PCC/DOP	Endorsement of planning proposal, and infrastructure contributions and public domain improvement plans for public exhibition
Exhibition of Study, planning proposals, and infrastructure contributions and public domain improvement plans	April - May 2011	HSC/PCC	Exhibition of the draft Strategy
Review of submissions received in response to the exhibition	June 2011	HSC/PCC/DOP	Report on submissions
Adoption of planning controls for inclusion in Councils' Comprehensive LEP and Consolidated DCP	July 2011	HSC/PCC	Study recommendation implementation

4. Project Management and Communication

4.1 Management

This Memorandum of Understanding outlines the scope of the Study and identifies the various tasks and key milestones of the Study. A consultant brief will also be prepared and will contain a further breakdown of the tasks where independent consultant input will be required in the Study. The consultant brief will identify the purpose of the Study, study area, background, objectives, methodology, expected study output, required consultation, personnel required, timetable and budget.

A Steering Committee consisting of a Councillor and relevant officers from HSC and PCC and officers from the DOP will be established to prepare a detailed brief, select consultants, oversee the provision of information and aim to ensure the successful delivery of the Study.

The Executive Manager, Planning Division, Hornsby Shire Council will be the Project Director. The Manager, Town Planning Services, Hornsby Council will be responsible for overseeing the Study and ensuring that the key milestones of the Study are achieved and the expected outputs are delivered. The Principal Strategic Planner will be responsible for the daily management aspects of the Study and will ensure that the various tasks are achieved and the expected outputs are delivered.

PCC and the DOP, with HSC will be involved in the critical decision making for the Study on an ongoing basis by representation on the Epping Town Centre Steering Committee. The DOP and PCC will be requested to attend Steering Committee meetings on an as needs basis (eg. the inception of the Study and when key outputs are presented for consideration). The Steering Committee will be an advisory committee and will meet to discuss the progression of key tasks on the Study. The DOP and PCC will also be involved, with HCC in the critical decision making for the Study at the key milestones. The DOP will be delivered a copy of the draft Study Report for endorsement prior to preparation of detailed planning controls to implement the draft Study and exhibition of the Study report and planning controls. The Department will also be forwarded a copy of the adopted Study and detailed planning controls drafted in accordance with the Standard Instrument to meet the Councils' obligations under the Metropolitan Strategy and the North and Central West draft Subregional Strategies for final endorsement.

A Government Agencies Group is proposed to be established as a reference group for the Steering Committee to consult where necessary. The Group would include representatives from the Ministry of Transport, RailCorp and Roads and Traffic Authority. It is also proposed that a Stakeholder Reference Group be established incorporating property owners, developers and residents including the Epping Chamber of Commerce and the Epping Civic Trust.

Reporting to the perspective Councils will take place throughout the Study to sign off project milestones and endorse submissions to the Department of Planning as outlined in the Project Workplan. This will include update briefings to Councils via relevant committee structures in the respective Councils.

The Study will assist in the preparation of comprehensive LEPs for both the Councils. The Study will be used as a key strategy document for both Councils to support the

implementation of the subregional and local planning strategies within Epping Town Centre, to identify employment opportunities and appropriate allocation of land and resources.

4.2 Project Stakeholders

Key stakeholders are PCC, HSC and NSW DOP. The Epping Chamber of Commerce, Epping Civic Trust, developers, major employers and other relevant state agencies will be involved in the consultation phase of the project where appropriate.

The Steering Committee will be an advisory committee and its functions will be clearly identified. The Stakeholder Reference Group, with clear terms of reference and broad representation, will be established to assist in the Study on an as needs basis. Any Reference Group may comprise community, industry, environmental and other interest groups.

The Government Agencies Group will be consulted when necessary.

5. Payment by Instalment

PRF payments will be made in instalments on receipt of a tax invoice and progress report from the Organisation.

An initial payment will be made on the agreement of the project plan and signing of the MOU. A second instalment will be made at a significant milestone of the project and the final payment will be made on submission of the draft Study.

Payment Instalment	Projected Timing	Progress Requirements	Payment amount
1st instalment Agreement of Project Plan and MOU signed	February 2010	Agreement of project Plan and MOU signed with DOP input and Department's acceptance of the project plan Provision of tax invoice for the instalment amount	\$ 25,000
2 nd instalment Engagement of consultant to undertake the Study	May 2010	Agreement signed by consultant and Councils Provision of tax invoice for the instalment amount	\$50,000
3rd instalment Adoption of planning controls for inclusion in Hornsby Council's LEP and DCP.	February 2011	Draft Epping Town Centre Study submitted Provision of tax invoice for the instalment amount	\$50,000

6. Special Conditions

Schedule B - Terms and Conditions of Funding

Funding Acceptance

1. The Organisation confirms acceptance of the Terms and Conditions contained in this MOU and any special conditions included in separate correspondence from the Department.

Timeframe for Project

2. Unless otherwise agreed by the Department in writing, the project described in Schedule A must be completed within two years from signing this MOU.

Changes to the Project

3. Funding under this MOU must be spent solely on the Project. The Project plan details outlined in Schedule A may be amended only with consultation and written agreement between the Department and the Organisation.
4. The Department may require special conditions for the project and these will be provided in writing to the Organisation.

Payment by Instalment

5. The Department agrees to make payments to the Organisation for the Project in instalments and only at the time of achieving the progress requirements as detailed and agreed in Schedule A.
6. PRF payments will be made in instalments on receipt of a tax invoice and progress report from the Organisation and completion of the relevant milestones to the satisfaction of the Department. Generally, there will be a maximum of 3 payments although for large projects 4 payments may be made. An initial payment will be made on the agreement of the project plan and signing of this MOU. A second instalment will be made at a significant milestone of the project and the final payment will be made at the completion of the project.
7. To seek payments, the Organisation must provide the Departmental contact officer with an invoice for the instalment amount requested and a progress report on the project. A copy of the standard reporting format is at Schedule D.
8. Payments are made at the sole discretion of the Department depending on the progress of the Project and whether the agreed milestones, timeframes and progress reports are acceptable to the Department.

Project Management

9. This MOU must contain the details of the nominated Project Manager from the Organisation who must liaise with the Department for the duration of the Project. Changes to the nominated project manager must be advised to Department as soon as practicable. Details to be outlined in Schedule C.

10. In the interest of maintaining a partnership approach between the NSW State Government and the Organisation toward completion of this Project and to ensure consistency with State and Regional planning objectives, it is a condition of this funding that the Department is involved in all critical decision making for the project as agreed and outlined in Schedule A and is represented on any committee set up to manage the project.

Project Reporting

11. The Organisation must provide a progress report for the Project on a 4 monthly basis to the Department after the commencement of the project. Progress reports must refer specifically to the achievement of outputs and timeframes detailed in the project workplan in Schedule A and should outline any major issues or changes to the project. A copy of the standard reporting format is at Schedule D.

12. A report must be provided to the Department on a 4 monthly basis regardless of the level of progress of the project.

13. A progress report must be provided by the Organisation when seeking a payment instalment. The standard reporting format at Schedule D should be used.

14. A progress report can be requested by the Department at any other time.

Project Review & Evaluation

15. The Department may assess the Project's progress or delivery at any stage and may engage independent contractors to do this. The Organisation must promptly make all relevant records available for scrutiny for this purpose.

Project Finalisation

16. A final project report and acquittal certificate indicating the status of all PRF funds received for the project is required to be provided to the Department on completion of the Project. The standard reporting format (Schedule D) can be used for this purpose along with the acquittal certificate at Schedule E.

17. All reports and the acquittal certificate should be signed by an appropriate delegated financial officer of the Organisation.

Project Responsibility

18. The Organisation acknowledges and agrees that it is solely responsible for delivery and completion of the Project within the terms and conditions of this MOU. The Organisation must ensure that it and any organisation or person engaged to carry out work adhere to all regulatory requirements associated with carrying out the Project.

Insurance, Indemnity and Release

19. For the duration of the Project, the Organisation must hold appropriate insurance policies for public liability, workers compensation and professional indemnity.

20. The Organisation agrees to indemnify the Director-General on demand against any costs, demands, claims, liability, proceedings or loss including, but not limited to, actions in respect of any infringement of any intellectual property rights arising out of or in connection with the Project or the Organisation's failure for any reason to act in accordance with this MOU.

21. The Organisation agrees to release and discharge the Director-General from any such costs, demands, claims, liability or proceedings or loss described in the preceding clause.

Project Acknowledgment

22. The Organisation must ensure that the NSW Government and the Department of Planning is acknowledged in all Project advertising and publicity, and must provide the Department with a copy of any proposed acknowledgement prior to release or publication. The Department can provide upon request an electronic copy of the Planning logo and guidelines for use of the logo.

23. The Organisation must ensure that where it organises the launching of an initiative or project, or a significant public event related to the Project, that an invitation to attend should be provided to the Minister for Planning and the Director-General or their nominated representatives.

Electronic Access to Planning Instruments (only applies to Councils)

24. Council agrees to provide the Department with electronic access to its LEPs and associated maps at no further cost, in a suitable format and within one month of gazettal of the LEP and when any subsequent amendments occur.

Access to Reports and Documents

25. The Organisation agrees to provide access to the Department without fee, to all information and materials collected as part of the project including all reports created as a result of the project. Where the Organisation utilises the services of another person, the Organisation must ensure that information collected and materials and reports created by that person are made available to the Department without fee.

GST

26. The Organisation must provide details to the Department of its current Australian Business Number ("ABN") or otherwise confirm that it is sponsored by an organisation holding an ABN.

27. Where either party ("the supplying party") makes a taxable supply to another party ("the receiving party"), the receiving party must pay an additional amount when it pays or provides that GST exclusive consideration, equal to the value of that GST exclusive consideration, multiplied by the prevailing GST rate.

28. The receiving party is not required to pay any amount of GST to the supplying party unless the supplying party has issued a tax invoice to the receiving party.

29. For this purposes of this clause, "GST" refers to goods & services tax imposed by any law including A New Tax System (Goods & Services Tax) Act 1999.

Dispute Resolution

30. Where the one party disputes any actions taken by the other party under this MOU, the parties agree to mediate such a dispute informally in a manner agreed between the parties.

Breach of Conditions

31. Failure to comply with these or any additional conditions imposed by correspondence from the Department may result in the termination of funding and repayment of part or all of the funds.

Schedule C – Party Details

To be completed by the Organisation and the Department of Planning

Item 1 **The Department of Planning**

Name: The Director-General of the Department of Planning

Address c/o Peter Goth
 Regional Director
 Sydney West Region
 Department of Planning
 Phone: (02) 9873 8589
 Facsimile: (02) 9873 8599

Item 2 **The Organisation**

The Organisation consists of Hornsby Shire Council and Parramatta City Council.

Hornsby Shire Council is the key contact for the management and coordination of the project. The Project Director will act on behalf of the Organisation to lead the project.

Council:	Parramatta City Council	Hornsby Shire Council
Name:	The Chief Executive Officer	The General Manager
Address:	Parramatta City Council 30 Darcy Street Parramatta NSW 2150 Phone: (02) 9806 5000 Facsimile: (02) 9806 5917	Hornsby Shire Council 296 Pacific Highway Hornsby NSW 2077 Phone: (02) 9847 6666 Facsimile: (02) 9847 6999



Planning Reform Fund

Project Report

To be completed 4 monthly and when requesting a payment instalment

This reporting template is to assist the Department of Planning and the Organisation to record the progress of the PRF project and to ensure that the project is on time and within budget.

The Organisation Name:		DOP Region:	
Date of Report:		Reporting Period:	eg 30/05/07-30/11/07
Project Manager: (The Organisation)		Project Manager: (DOP)	
Project Name:		PRF Approved Allocation:	

Project Update	
<p>What progress has been made in the last four months on the project? Which milestones have been completed?</p> <p>If any milestones have not been met, explain the reasons why.</p>	
<p>Is there a change to the methodology, timeframe or milestones of the project as stated in the project plan (MOU) and has this been endorsed in writing by DOP?</p>	
<p>Any comments/ issues in relation to the project? Please outline any risks or problems associated with the project.</p>	

FUNDS AND EXPENDITURE (all costs exclude GST)		
Workplan Task	Cost (in % Complete work plan)	Cost to date Comments/Details (include costs incurred, yet to be claimed)
Total	NA	

The Organisation Representative

Department of Planning

Signature: _____
 Name: _____
 Position: _____
 Date: _____



Planning Reform Fund

Acquittal Certification

To be completed at the end of the project

The Organisation Name:		DOP Region:	
Date of Report:			
Project Manager: (The Organisation)		Project Manager: (DOP)	
Project Name:			

I the undersigned confirm that: [DELETE 1 OR 2 AS APPLICABLE]

1. An amount equal to the total funds paid by the Department of Planning (\$[insert amount]) (excluding GST) **has been expended** on the Project in accordance with the terms and conditions of the MOU dated [insert date] with the Department.

OR

2. The total amount of \$[insert amount] (excluding GST) **has not been expended**. An amount of \$ [insert amount] (excluding GST) has not been expended and these funds will be returned to the Department of Planning.

AND

A complete set of accounting and financial records relevant to the Project have been maintained.

Date:
Signature:
Name:
Organisation:
Position: