

bcc : ALD. A. BRIGER
ALD. L. PORT
MR. F. HANSEN
MR. J. DORAN.

October 28, 1971

The Town Clerk
Council of the City of Sydney
Town Hall
SYDNEY NSW 2000

7078/A1

Dear Sir :

your ref : 3251/71 City of Sydney Planning Scheme -
Preparation of Varying Scheme to Implement
Policies. etc of City of Sydney Strategic Plan

We understand that on Monday, October 11, 1971, Council resolved :

'That with a view to placing the Council in the strongest possible legal position to enforce decisions on City Planning and Development Control, approval be given in accordance with the provisions of Section 342C of Part XIIA of the Local Government Act, 1919, as amended, to the preparation of a Scheme to vary the City of Sydney Planning Scheme as prescribed on the 16th July, 1971, in the light of the Objectives, Policies and Action Priorities contained in the City of Sydney Strategic Plan and in the light of Action Plans adopted by resolutions of Council,

In his Report to the City Development Committee Meeting on October 5, 1971, Alderman Briger stated : "Section 342 C of Part XIIA of the Local Government Act lays down the procedure for the preparation of such schemes".

The Council Resolution of October 11 again refers to "accordance with Section 342 C of Part XIIA of the Local Government Act".

We are concerned as to whether Section 342 C was, in fact, complied with within 14 days of the Council Resolution of October 11.
Section 342 C states :

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Development Control
Policies and Codes

Section 342 C states :-

342 C. (1) (a) A council may, by resolution, decide to prepare a scheme with respect to any land within its area.

(c) Any such resolution may specify the particular purposes or objects for or with respect to which the scheme shall be prepared and the scheme shall be prepared accordingly.

(2) The Council or councils concerned shall within fourteen days after passing the resolution transmit a copy of the resolution to the Authority.

(3) Where a resolution to prepare a scheme has been passed, the council or councils concerned shall, within the prescribed period, give notice of the resolution as prescribed.

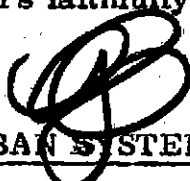
Such notice shall contain a concise statement of the effect of the resolution, together with information as to the place and times at which a plan defining the land to which the resolution applies may be inspected.

(4) Where a resolution to prepare a scheme has been passed the council or councils concerned may prepare one scheme with respect to the whole of the land to which the resolution applies or may prepare different schemes for different parts of the land.

We advise that a Scheme to vary a Scheme is, in fact, a Scheme within the meaning of Section 342 C.

If Section 342 C has not in fact been complied with, then we recommend that the Resolution be put and passed again, so that the required statutory action may then be taken within the prescribed period of 14 days. We stress the urgency of this matter, as it may prove to be of significance to an Appeal to be heard in the Land and Valuation Court on December 15.

Yours faithfully



URBAN SYSTEMS CORPORATION PTY LTD