



3 SEPTEMBER 2001

Meeting No 1339

MINUTES of an Extraordinary Meeting of the Council of the City of Sydney held in the Finance Committee Room at the Sydney Town Hall, commencing at 5.15 pm on 3 September 2001 pursuant to Notice 17/1339 dated 30 August 2001.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Renewal of Council Committees.....	555
2. Election of Deputy Lord Mayor.....	559
3. Central Sydney Planning Committee - Election of Councillors	561
4. Report of the Priorities and Outcomes Committee - 28 August 2001	564
5. Review of Central Sydney Local Environmental Plan 1996	568

<u>Subject</u>	<u>Page No.</u>
6. Town Hall House Level 12 Base Building Refurbishment - Approval to Accept Tender	568
7. Motor Vehicle Policy	569
8. Tender No. 0115 - Licence to Manufacture and Distribute Smartpole™ Products	583
9. Staff Appointment - Director City Projects	584
10. New EnergyAustralia Smartpole™ Agreement	584
11. Transfer of Parking Enforcement	585
12. Confirmation of Minutes	586

PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.15 pm those present were:-

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

The Acting General Manager, Deputy General Manager, Director Corporate and Legal Services, Director Living City Services, Acting Director City Development, and Acting Director City Projects were also present.

Order of Business

The Council resolved, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, that the order of business be altered, such that the agenda items be dealt with in the following order:

2. Election of Deputy Lord Mayor
3. Central Sydney Planning Committee - Election of Councillors
1. Renewal of Council Committees
4. Report of the Priorities and Outcomes Committee - 28 August 2001
5. Review of Central Sydney Local Environmental Plan 1996
12. Confirmation of Minutes of Council Meeting of 27 August 2001
6. Town Hall House Level 12 Base Building Refurbishment - Approval to Accept Tender
10. New EnergyAustralia Smartpole™ Agreement
8. Tender No 0115 - Licence to Use Manufacture and Distribute Smartpole™ Products
11. Transfer of Parking Enforcement

7. Motor Vehicle Policy
9. Staff Appointment - Director City Projects

ITEM 1. RENEWAL OF COUNCIL COMMITTEES

FILE NO:

DATE: 30/8/01

MINUTE BY THE LORD MAYOR

To Council:

The standing committees of Council have two year terms expiring on 30 September 2001 (authority: Council resolution of 20 September 1999).

Details of the composition and terms of reference of the standing committees are at Attachment A. It is proposed to make no change to the functions or delegations of any of the standing Committees.

Council at the same time established the Global Sydney Committee (previously called the Positioning Sydney Committee). This committee has held several meetings, and with the assistance of several members of the GSC, the Council prepared and published a document that was distributed throughout the Olympic period called "Sydney's Competitive Edge", directed to bringing Sydney's attributes to the attention of businesspeople who visited Sydney during the Olympics. A strategic analysis of Sydney in the context of its role as a global city also was conducted.

The Committee's work was presented to the Committee for Sydney and it was agreed, given the considerable commonality of interest, that the Global Sydney Committee be abolished to enable its functions to be merged with the Committee for Sydney.

Council also established the following sub committees:

- Traffic Committee
- Retail Advisory Committee
- Access Committee

The Traffic Committee is a statutory committee established under the Roads Act. Council did not determine a specific term in respect to the Traffic Committee.

Whilst no specific term was determined in respect of the Retail Advisory Committee, it would be appropriate for this sub committee to cease when a Retail Strategy is adopted.

In respect of the last sub committee, the Access Committee, this sub committee was dissolved and subsequently re-established with a revised membership, by resolution of Council on 3 April 2000. Council resolved then that the Access Committee would have a term of two years. This term will expire on 2 April 2002, but it would be appropriate for that sub committee to cease when Council adopts an Action Plan for People with Disabilities.

The Local Government (Meetings) Regulation 1999 provides:

Clause 40 (1) The chairperson of each committee of council must be:

- (a) the mayor; or
- (b) if the mayor does not wish to be the chairperson of a committee - a member of the committee elected by the council; or
- (c) if the council does not elect such a member - a member of the committee elected by the committee.

- (2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

RECOMMENDATION:

That

- (A) the Retail Advisory Committee continue as is, but cease to exist when a Retail Strategy is adopted by Council, and be replaced by regular retail forums and an implementation task force;
- (B) the Access Committee continue as is but cease to exist either
 - on 2 April 2002 as previously determined by Council, or
 - when Council adopts a strategy for People with Disabilities,whichever occurs sooner and be replaced by regular access forums and an appropriate implementation task force;
- (C) the Global Sydney Committee be abolished and its role adopted by the Committee for Sydney;

(D) the functions, delegations, quorums and membership of

the Finance, Properties and Tenders Committee;
the Cultural and City Care Committee;
the Community Services, Small Business and Tourism Committee; and
the Planning Development and Transport Committee

as determined by Council on 20 September 1999 stay the same for the remaining two years of the term of this Council

(E) Council elect chairpersons and deputy chairpersons of each of the standing Committees;

(F) the method of voting be open, exhaustive voting.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 3 September 2001, on Renewal of Council Committees, it be resolved that -

(A) the Retail Advisory Committee continue as is, but cease to exist when a Retail Strategy is adopted by Council, and be replaced by regular retail forums and an implementation task force;

(B) the Access Committee continue as is but cease to exist either -

- on 2 April 2002 as previously determined by Council, or
- when Council adopts an Action Plan for People of All Abilities,

whichever occurs sooner, and be replaced by regular communication and access forums and an appropriate implementation task force;

(C) the Global Sydney Committee be abolished and its role merged with the Committee for Sydney;

(D) the functions, delegations, quorums and membership of

the Finance, Properties and Tenders Committee;
the Cultural and City Care Committee;
the Community Services, Small Business and Tourism Committee; and
the Planning Development and Transport Committee

as determined by Council on 20 September 1999 stay the same for the remaining term of this Council;

- (E) Council elect chairpersons and deputy chairpersons of each of the standing Committees;
- (F) the method of voting be open, exhaustive voting; and
- (G) Councillor Marsden be appointed as Deputy Chairperson of the Sydney Traffic Committee.

Amendment moved by Councillor Farr-Jones, seconded by Councillor Greiner -

That the motion be amended by the deletion of Clause (B) and the substitution of the following new Clause (B) -

- (B) the Access Committee continue until 2 April 2004, and when Council adopts an Action Plan for People of All Abilities, regular communication and access forums be implemented, including the use of Council's website.

The amendment was lost on the following show of hands -

Ayes (2) - Councillors Farr-Jones and Greiner

Noes (5) - The Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

Noes (2) - Councillors Farr-Jones and Greiner

Motion carried.

Chairpersons and Deputy Chairpersons of Standing Committees

At this stage of the meeting, the following Councillors were nominated for the positions of Chairperson and Deputy Chairperson of the Committees as shown. In each case the Councillor nominated accepted the nomination and was elected unopposed.

Note - in respect of the Finance, Properties and Tenders Committee, Council noted that an election for the Chairman of this Committee was not necessary in view of the terms of Clause 40(1)(a) of the Local Government (Meetings) Regulation 1999.

- (A) Finance, Properties and Tenders Committee:
 - Chairperson - Lord Mayor Councillor Frank Sartor
 - Deputy Chairperson - Councillor Lucy Turnbull
- (B) Cultural and City Care Committee:
 - Chairperson - Councillor Dixie Coulton
 - Deputy Chairperson - Lord Mayor Councillor Frank Sartor

- (C) Community Services, Small Business and Tourism Committee:
Chairperson - Councillor Fabian Marsden
Deputy Chairperson - Councillor Dixie Coulton
- (D) Planning Development and Transport Committee:
Chairperson - Councillor Lucy Turnbull
Deputy Chairperson - Councillor Dixie Coulton

ITEM 2. ELECTION OF DEPUTY LORD MAYOR (S008348)

FILE NO: S008348

DATE: 29/8/01

MEMORANDUM BY THE GENERAL MANAGER

To Council:

Section 231 of the Local Government Act 1993 provides:

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.

At the Extraordinary meeting of council on 20 September 1999, Councillor Turnbull was elected Deputy Lord Mayor for a two year term ending 30 September 2001.

The Local Government (Elections) Regulation 1998 requires that nominations be made in writing by two or more Councillors (one of whom may be the nominee). The Regulation provides the method of conducting an election for Deputy Lord Mayor. If more than one Councillor is nominated the Council is to resolve whether the election is to proceed by preferential (secret) ballot, ordinary (secret) ballot, or open, exhaustive voting.

Previously the method of voting selected by the Council was open, exhaustive voting.

The Regulation also provides that the General Manager (or a person appointed by the General Manager) is the returning officer.

RECOMMENDATION:

That Council

- (A) determine the term of office for the Deputy Lord Mayor;
- (B) elect a Deputy Lord Mayor; the method of voting to be by open, exhaustive voting.

(SGD) JOHN KASS
Acting General Manager

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 3 September 2001, on Election of Deputy Lord Mayor, it be resolved that -

- (A) Council elect a Deputy Lord Mayor for a term from September 2001 until the next election of Council;
- (B) the method of voting be by open exhaustive ballot.

Carried.

At this stage of the meeting, the Acting General Manager appointed the Director Corporate and Legal Services as Returning Officer. The Director Corporate and Legal Services, as Returning Officer, then invited nominations from Councillors for the office of Deputy Lord Mayor.

The Director Corporate and Legal Services announced that there were two duly completed, written nominations received, namely -

Councillors	Kathryn Greiner
	Lucy Turnbull

Councillors Greiner and Turnbull in turn indicated their acceptance of their nominations.

An election for the position of Deputy Lord Mayor was then conducted and resulted as follows -

Councillor Greiner	-	2 votes
Councillor Turnbull	-	5 votes

The Director Corporate and Legal Services, then declared Councillor Turnbull duly elected to the office of Deputy Lord Mayor in accordance with the provisions of Section 231 of the Local Government Act 1993 for a term ending at the next election of Council.

Note - The Chairman (the Lord Mayor) congratulated Councillor Turnbull on being re-elected as Deputy Lord Mayor and, noting that Councillor Turnbull is the first woman Deputy Lord Mayor of Sydney, stated that Councillor Turnbull has done a wonderful job, and been of huge benefit to the City and of great assistance to himself over the past two years. The Chairman (the Lord Mayor) further stated that he is looking forward to continuing working with Councillor Turnbull. The Lord Mayor's congratulations were endorsed by other Councillors.

ITEM 3. CENTRAL SYDNEY PLANNING COMMITTEE - ELECTION OF COUNCILLORS (S008349)

FILE NO: S008349

DATE: 30/8/01

MEMORANDUM BY THE GENERAL MANAGERTo Council:

The Central Sydney Planning Committee is constituted by the City of Sydney Act 1988.

Section 34(1) of that Act provides that the Committee shall consist of seven members:-

- (a) the Lord Mayor of Sydney;
- (b) a senior government employee with architectural experience nominated by the Minister administering the Public Works Act 1912;
- (c) 2 Councillors of the City of Sydney elected by the City Council;
- (d) the Director of Planning under the Planning Act; and
- (e) 2 persons appointed by the Minister administering Part 4 of the Planning Act.

The two persons appointed by the Minister pursuant to clause (e) are Ms Antoinette le Marchant and Mr Neil Bird. The term of office for Ms le Marchant expires on 3 September 2003 and the term of office for Mr Bird expires on 16 December 2001.

On 20 September 1999 the Council resolved that -

- (A) Council forthwith elect two Councillors to be members of the Central Sydney Planning Committee for a two year term ending on 30 September 2001 and that each representative be chosen by a separate election;
- (B) should more than one person be nominated for each of the two positions, the election be conducted by open, exhaustive voting; and
- (C) Council then appoint a Councillor to act as alternate for both of Council's representatives on the Central Sydney Planning Committee.

Councillor Turnbull and Councillor Ho were subsequently elected, and Councillor Coulton was elected as alternate. The term of office of the Councillors elected at that meeting expires on 30 September 2001. The method of election to be used is a matter for the Council to decide. The methods may be by preferential (secret) ballot, ordinary (secret) ballot; or open, exhaustive voting.

Previously, the method of voting selected by Council was open, exhaustive voting.

RECOMMENDATION:

That Council:-

- (A) elect two Councillors to be members of the Central Sydney Planning Committee; the method of voting to be by open, exhaustive ballot; and
- (B) appoint an alternate for each member.

(SGD) JOHN KASS
Acting General Manager

Moved by the Chairman (the Lord Mayor), seconded by Councillor Coulton -

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 3 September 2001, on Central Sydney Planning Committee - Election of Councillors, it be resolved that -

- (A) Council elect two Councillors to be members of the Central Sydney Planning Committee;
- (B) each representative be chosen by a separate election.

Carried.

At this stage of the meeting, nominations were invited for the election of a Councillor to the first position on the Central Sydney Planning Committee in accordance with the provisions of the City of Sydney Act 1988.

The Chairman (the Lord Mayor) subsequently announced that two nominations had been received, namely -

Councillors Kathryn Greiner
 Lucy Turnbull

Councillors Greiner and Turnbull in turn indicated their acceptance of their nominations.

An election for the first position on the Central Sydney Planning Committee was then conducted and resulted as follows -

Councillor Greiner - 2 votes
Councillor Turnbull - 5 votes

The Chairman (the Lord Mayor) then declared Councillor Turnbull to be an elected member of the Central Sydney Planning Committee pursuant to Section 34(1)(c) of the City of Sydney Act 1988.

At this stage of the meeting, nominations were invited for the election of a Councillor to the second position on the Central Sydney Planning Committee in accordance with the provisions of the City of Sydney Act 1988.

The Chairman (the Lord Mayor) subsequently announced that two nominations had been received, namely -

Councillors Nick Farr-Jones
 Robert Ho

Councillors Farr-Jones and Ho in turn indicated their acceptance of their nominations.

An election for the second position on the Central Sydney Planning Committee was then conducted and resulted as follows -

Councillor Farr-Jones - 2 votes
Councillor Ho - 5 votes

The Chairman (the Lord Mayor) declared Councillor Ho to be an elected member of the Central Sydney Planning Committee pursuant to Section 34(1)(c) of the City of Sydney Act 1988.

The Chairman (the Lord Mayor) congratulated Councillor Ho and Councillor Turnbull on their election as members of the Central Sydney Planning Committee.

At this stage of the meeting it was moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That Councillor Dixie Coulton be appointed as an alternate representative for Councillors Ho and Turnbull on the Central Sydney Planning Committee.

Carried unanimously.

**ITEM 4. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE -
28 AUGUST 2001**

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton and Fabian Marsden.

At the commencement of business at 6.07 pm, those present were -

Councillors Coulton, Marsden and Turnbull.

Apology

The Lord Mayor extended his apology for his inability to attend the meeting of the Priorities and Outcomes Committee owing to urgent commitments.

Moved by the Chairman (Councillor Turnbull), seconded by Councillor Marsden -

That the apology from the Lord Mayor be accepted and leave of absence be granted.

Carried.

Closed Meeting

At 6.10 pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 4.3 and 4.4 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 6.25 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Priorities and Outcomes Committee of its meeting of 28 August 2001 be received and noted, and the recommendations set out below for Items 4.1 and 4.2 be adopted, with Items 4.3 and 4.4 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL**CIVIL INFRASTRUCTURE WORKS PROGRAM 2001/2002 (S015749)****4.1**

That arising from consideration of a report by the Senior Contract Coordinator, Contracts and Asset Management to the Priorities and Outcomes Committee on 28 August 2001 on Civil Infrastructure Works Program 2001/2002, it be resolved that:

- (A) the major maintenance programs and associated works as detailed in Attachment A to the subject report be approved.
- (B) Contracts and Asset Management and Living City Services commence investigation of stormwater drainage issues associated with Central Business District Upgrade Areas and report to the Lord Mayor in October 2001 on the extent and cost of any outstanding drainage repairs.
- (C) the Acting General Manager be requested to provide further information on -
 - (i) whether it is feasible or desirable to re-sheet the footway on the western side of Castlereagh Street;
 - (ii) a suitable works program for repairing heritage fencing;
 - (iii) a proposed program for works relating to seating arrangements and safety barriers along Cowper Wharf Road;
 - (iv) specifications and methods of roadway crack sealing so that the visual impact is minimised.

Carried.

STREET TREE STRATEGY AND MASTERPLAN REVIEW (S016389)**4.2**

That arising from consideration of a presentation and report by the Senior Landscape Architect to the Priorities and Outcomes Committee on 28 August 2001 on Street Tree Strategy and Masterplan Review, it be resolved that:

- (A) the Capital Works items listed in Paragraph 8 of the subject report be endorsed in principle subject to submission of a detailed report;
- (B) the policy review items listed in Paragraph 8 of the subject report be endorsed in principle subject to submission of a detailed report; and
- (C) a detailed report be submitted to the Priorities and Outcomes Committee in October 2001 describing the above;

- (D) expenditure in the current year be contained within the 2001/02 budget and that future years' expenditure be the subject of a further report to the Lord Mayor, following further investigation.

Carried.

PART "B" - MATTERS DETERMINED BY THE PRIORITIES AND OUTCOMES COMMITTEE UNDER DELEGATED AUTHORITY

The Priorities and Outcomes Committee recommended that Council note that Items 4.3 and 4.4 were determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

Closed Meeting

At 6.10 pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(c) of the Local Government Act 1993 to discuss Items 4.3 and 4.4 on the agenda as these matters comprised discussion of commercial information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there was a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 4.3 and 4.4 were then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public.

BRIDGE EFFECT - NEW YEAR'S EVE CELEBRATIONS 2001 - APPROVAL OF REQUEST FOR TENDER (S016925)

4.3

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a report by the Producer, New Year's Eve to the Priorities and Outcomes Committee on 28 August 2001 on Bridge Effect Structures - New Year's Eve Celebrations 2001-2005 - Approval of Request for Tender, it be resolved that -

- (A) the form of the Request for Tender be approved;
- (B) the tender documents, as shown at Attachment A to the subject report, be approved.

Carried.

PYROTECHNICS - NEW YEARS' EVE CELEBRATIONS 2001 - APPROVAL OF REQUEST FOR TENDER (S016921)

4.4

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Producer, New Year's Eve to the Priorities and Outcomes Committee on 28 August 2001 on Pyrotechnics - New Year's Eve Celebrations 2001 - Approval of Request for Tender, it be resolved that -

- (A) Council endorse in principle the form of the requests for tender being three separate Tenders;
- (B) Council approve the tender documents as shown at Attachments A, B, C and D to the subject report.

Carried.

ITEM 5. REVIEW OF CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Strategic and Research Manager to the Extraordinary Meeting of Council on 3 September 2001, in relation to the Review of Central Local Environmental Plan 1996, it be resolved that Council receive and note the review process outlined in the subject report.

Carried.

Closed Meeting

At 5.56 pm, the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

- Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 6, 8 and 10 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it; and
- Section 10A (2)(a) of the Local Government Act 1993 to discuss Items 7, 9 and 11 on the agenda as these matters comprised the discussion of personnel matters concerning particular individuals;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 6 to 11, inclusive, were then dealt with by Council while the meeting was closed to the public.

ITEM 6. TOWN HALL HOUSE LEVEL 12 BASE BUILDING REFURBISHMENT - APPROVAL TO ACCEPT TENDER (S015980)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Project Manager, City Projects to the Extraordinary Meeting of Council on 3 September 2001, on Town Hall House Level 12 Base Building Refurbishment - Approval to Accept Tender, it be resolved that -

- (A) Council award the contract for the base building refurbishment of Level 12 Town Hall House, 456 Kent Street Sydney, to Olympia Pty Ltd in the sum of \$271,500.00;

- (B) authority be delegated to the Acting General Manager to enter into a contract, as referred to in clause (A);
- (C) Council's Attorney be authorised to execute all relevant documents.

Carried unanimously.

ITEM 7. MOTOR VEHICLE POLICY (A03-00564)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 3 September 2001, on Council's Motor Vehicle Policy, it be resolved that the policy at Attachment A to the subject Memorandum by the General Manager be approved.

Carried unanimously.

Note - The confidential Memorandum by the General Manager on Motor Vehicle Policy was circulated to all Councillors.

MOTOR VEHICLE POLICY

POLICY OVERVIEW

This policy provides guidelines for the proper management, usage and administration of the Council motor vehicle fleet, including those motor vehicles assigned to employees. Passenger motor vehicles are assigned to staff only within the following categories:

1. normal day-to-day operational usage
2. home-to-work & return operational usage
(where the motor vehicle does not form part of an employee's remuneration package)
3. contract employment – part private/business usage
(where the motor vehicle is part of an employee's remuneration package)

POLICY STATEMENTS

1. Policy

- 1.1 Council retains and maintains a motor vehicle fleet of the size and type sufficient to support the effective delivery of its operations and services.
- 1.2 All specific motor vehicle allocations and authorisations under this policy shall be subject to the General Manager's approval in consultation with Council.
- 1.3 In accordance with Council's Sustainable City approach decisions relating to the purchase, size and use of Council's motor vehicle fleet will consider the imperatives to reduce fuel consumption, improve air quality and safety of staff and the general public.
- 1.4 Council requires employees to drive Council motor vehicles only where it is necessary for the efficient and effective performance of their operational duties. This requirement may also involve employees in driving a Council motor vehicle outside normal business hours.
- 1.5 In accordance with Council's Employee Policy – Remuneration and Benefits an employee appointed under the policy of contract employment may be offered a part private / business use motor vehicle.
- 1.6 Where a motor vehicle cannot be shown to have a direct benefit to Council operations or, where it is not part of Council's contracted obligations to provide a motor vehicle for an employee, the motor vehicle shall be disposed of as soon as possible.

MOTOR VEHICLE POLICY

GENERAL CONDITIONS

2. *Pool Motor Vehicles*

- 2.1 The Council motor vehicle fleet comprises all motor vehicles owned and operated by Council, including those assigned to staff for private/business usage in accordance with this policy and the policy on contract employment.
- 2.2 The pool fleet shall be garaged on Council premises (eg. Town Hall House or depots) during normal business hours and all motor vehicle usage will be arranged through the Fleet Services Officer who reports to the Manager Finance.
- 2.3 All motor vehicles allocated to staff under this policy shall become part of the pool fleet during normal business hours. All employees assigned a motor vehicle under the terms of this policy shall ensure that the motor vehicle is available at all times for use on Council business.

3. *Motor Vehicle Access while on Leave*

- 3.1 Those employees entitled to the use of a motor vehicle under the "*home-to-work and return*" policy will return the motor vehicle to the Council pool fleet at the commencement of any approved leave period.
- 3.2 Those employees entitled to the use of a private/business use motor vehicle, under the terms and conditions of their contract of employment, will be able to continue their use of the motor vehicle during periods of approved leave (ie. annual and long service leave) for a maximum period of 6 weeks.

4. *Motor Vehicle Acquisition & Disposal*

- 4.1 All motor vehicle acquisitions will be considered by Council on the basis of:
 - i) Ecological sustainability principles; and
 - ii) an optimum fleet size, as determined by Council, that will be relative to demand and / or usage to meet business requirements.
- 4.2 Council will generally replace motor vehicles at the completion of a minimum of 2 years service or 40,000 kilometres, whichever ever occurs sooner. Subject to market conditions the Council may extend the period of replacement. The replacement period will be reviewed annually by Council.
- 4.3 All motor vehicles will be disposed of by auction / tender. The General Manager, in consultation with the Lord Mayor, may determine alternative replacement or disposal arrangements as required.

MOTOR VEHICLE POLICY

5. *Replacement of Motor Vehicles*

- 5.1 If a motor vehicle is off the road for repair, a replacement motor vehicle will generally be made available to employees operating under the terms and conditions of this policy. However, in the event of a shortfall of available motor vehicles, the priority of replacements will be determined on the basis of business requirements and Councils contractual obligations.
- 5.2 Where an employee is appointed under the terms and conditions of contract employment (and is entitled to the benefit of a motor vehicle) and a replacement motor vehicle is not able to be provided, then the employee shall be entitled to claim the proportion of time without the benefit (ie. motor vehicle) from the percentage cost paid by salary sacrifice. Also refer to Section 19 of this policy.

6. *Motor Vehicle Accident of Breakdown*

- 6.1 If the driver has a motor vehicle accident, the following information must be provided:
- i) Other driver's full details
 - ii) Other car owners full details
 - iii) Other owners full insurance details
 - iv) Other vehicle details
 - v) Witness names & address
 - vi) Police Officer particulars (if required)
- 6.2 Police must be called to the scene of an accident if:
- i) a person is killed or injured;
 - ii) a driver refuses to exchange details;
 - iii) a driver involved in the accident fails to stop;
 - iv) any drivers are suspected of being under the influence of drugs or alcohol;
 - v) either motor vehicle is unable to be moved from the scene of the accident.
- 6.3 Except in the circumstances described in clause 6.2, whenever a Council motor vehicle is involved in an accident which results in damage to any motor vehicle, the officer will as soon as practicable attend a police station and complete a *P5 Self Reporting Collision* form.
- 6.4 No statements or admissions of liability to an accident should be made. The driver should state the true facts of the accident in any statement but the law does not require you to admit fault
- 6.5 In the event of an accident or breakdown, the driver is to use the services of the nominated assistance provider (ie. Roadside Assistance) as appropriate. If the motor vehicle requires towing or emergency repairs and is located:
- i) in the Sydney metropolitan area; then the NRMA is to be requested to tow the motor vehicle to the Bay Street Garage;

MOTOR VEHICLE POLICY

- ii) outside the Sydney metropolitan area; then the NRMA is to be requested to tow the motor vehicle to the nearest accredited NRMA repairer.

The Fleet Services Officer is to be notified of the above action as soon as possible.

- 6.6 In the event of an accident, the driver of the motor vehicle is responsible for completing an accident report and submitting it to their supervisor and the Fleet Services Officer.
- 6.7 Where an employee, who is the driver of a Council motor vehicle, is involved in 2 preventable accidents in a 12 month period, then the right to drive a Council motor vehicle may be reviewed.

7. Theft of a Motor Vehicle

- 7.1 On discovering a Council motor vehicle has been stolen, the driver shall:
 - i) immediately advise the police of the theft and the surrounding circumstances; and
 - ii) as soon as practicable notify their supervisor; and
 - iii) as soon as practicable notify the Fleet Services Officer.

8. Log Sheets

- 8.1 The Council motor vehicle fleet is primarily controlled through the monitoring of log sheets.
- 8.2 Employees are required to maintain an accurate record of travel (ie. log sheet) to allow for efficient fleet management and to comply with legal requirements relating to Fringe Benefits Tax.
- 8.3 Where employees are authorised to use a nominated motor vehicle under the home-to-work provisions of this policy (see section 18), the designated employee shall, on returning the motor vehicle to a pool operation, record the returned odometer reading in the log sheet.
- 8.4 The employee who used the motor vehicle last and completes a page of a log book will be responsible for submitting this record to the Fleet Services Officer.

MOTOR VEHICLE POLICY

9. Purchase of Fuel

- 9.1 To ensure the continuity of fleet management accountability all motor vehicles will be allocated a fuel purchase card for the charging of fuel purchases, including those made while on annual leave or long service leave. Where applicable, this cost will be charged back to the employee responsible within 2 weeks of the employee's return to work.
- 9.2 The nominated driver of the motor vehicle is responsible for reconciling and certifying the monthly fuel usage statement issued by Fleet Services. Where a motor vehicle does not have a nominated driver all fuel purchases must be presented to the Fleet Services Officer immediately after use of the motor vehicle.
- 9.3 Where a non-contract employee is authorised to use a motor vehicle during a period of annual leave or long service leave the employee shall pay for fuel used during the period of leave.

10. Nominated Drivers & Usage

- 10.1 Each individual using a Council motor vehicle is responsible for operating the motor vehicle in a safe manner, observing all traffic laws and relevant regulations. The assignment of a nominated driver for most motor vehicles does not relieve any driver of a Council motor vehicle of this responsibility.
- 10.2 The motor vehicle driver will be held personally accountable for traffic safety, fines and penalties incurred and for breaches of the terms and conditions of this policy.
- 10.3 An employee nominated as a driver for a particular motor vehicle, in the "*home-to-work & return*" operational motor vehicle category, will be the only driver of the motor vehicle during off-duty hours (ie. travelling to and from work). The vehicle must be available to the car pool during normal working hours.
- 10.4 Employees entitled to a motor vehicle under the terms and conditions of their contract of employment may allow their partner or another member of the employee's family to drive the motor vehicle during normal off-duty hours. It is the employee's responsibility to ensure that their partner or family member driving the motor vehicle holds a valid driver's licence and adheres to the operating conditions of this policy.

11. Smoking in Motor Vehicles

- 11.1 The Council has a non-smoking policy that applies to the motor vehicle fleet.

MOTOR VEHICLE POLICY

12. Employee Liability

- 12.1 If the employee, or any person, while in charge of the motor vehicle is involved in an accident due to acting recklessly or being under the influence of alcohol or drugs or using the motor vehicle outside any of the specified terms and conditions of this policy, the employee shall be liable to Council for the cost of repairs to the motor vehicle or any other Council property damaged as a result of the accident and shall reimburse Council for any sum payable by Council in respect of any third party damage or injury for which Council may be liable arising from the accident.

13. Travelling Time

- 13.1 All travelling time between the employee's home and work location shall be undertaken during the employee's own time, except where the employee is required to attend an *after hours call out* to work on related matters outside normal duty hours.
- 13.2 All travel between the employee's home and first job location and / or from the last job to home will be by the most expedient route.
- 13.3 All travel during on-duty times between job locations will be by the most expedient route.

RESPONSIBILITIES

14. Council Responsibilities

- 14.1 The Council will be responsible for all motor vehicles and will make all payments (except for employees entitled to a motor vehicle under the terms and conditions of their contract of employment as detailed in Schedule A) in respect of:
- i) the registration of the motor vehicle with the Roads and Traffic Authority, NRMA membership and all insurance requirements;
 - ii) all running costs including, maintenance, repair and service of the motor vehicle including the provision of oil, petrol and tyres as required, including weekends and public holidays;
 - iii) all road and bridge tolls acquired during normal business hours and usage;
 - iv) casual parking of the motor vehicle for the efficient discharge of the employees duties provided that for all non-metered parking the Council shall not be liable to reimburse the employee the cost of parking the motor vehicle except upon production of a receipt readily identifiable as relating to the cost of parking the motor vehicle; and

MOTOR VEHICLE POLICY

- v) driver's licence fees where the driving of a Council motor vehicle forms an integral part of the employee's daily duties or condition of employment (ie. where a drivers licence is required in order to be employed in the position. This requirement shall be included in the position description).

15. Employee Responsibilities

15.1 Any employee required to use a motor vehicle shall:

- i) obey all traffic laws at all times; and
- ii) be the holder of a current driver's licence which permits the employee to drive the motor vehicle; and
- iii) where possible, ensure that the motor vehicle is garaged in a secure off-street location (under cover if possible); and
- iv) ensure that the interior of the motor vehicle is clean and tidy and the exterior is maintained to a high standard of cleanliness at all times; and
- v) not use or allow the motor vehicle to be used for any unauthorised purpose in any way that will adversely affect Council's image, conflict with Council's interest or contravene the provisions of this policy; and
- vi) pay all fines or penalties imposed on the driver of the motor vehicle for breach of all State and local government laws relating to the use of the motor vehicle; and
- vii) immediately report to the Fleet Services Officer any accident involving the motor vehicle, whether or not any damage was sustained by the motor vehicle, and comply with all legal and insurance requirements arising out of the accident (this includes notification of police and obtaining particulars of parties involved). Also refer to Section 6.5 of this policy; and
- viii) not, while in charge of, or responsible for a Council motor vehicle, by act or omission behave recklessly or be under the influence of alcohol or drugs; and
- ix) be responsible for the cost of any damage caused whilst driving a Council motor vehicle under the influence of alcohol or drugs; and
- x) make no modification or alterations to the motor vehicle except as required by Council; and
- xi) immediately advise the Fleet Services Officer if the employee's licence is cancelled or suspended, or if the employee suffers any physical or physiological or mental incapacity which prevents or restricts the employees use of the motor vehicle; and

MOTOR VEHICLE POLICY

- xii) surrender the vehicle without delay to the Fleet Services Officer upon:
 - the cancellation or suspension of driver's licence;
 - the cessation of employment;
 - any breach of the terms and conditions of this motor vehicle policy;
 - participation in industrial action (for the duration of such industrial action);
 - request by the authorised staff member in situations such as the employee moving to a job not requiring a motor vehicle (excepting where employees are appointed as senior staff and the motor vehicle forms part of the employee's employment contract); and
- xiii) pay all road / bridge tolls incurred during off-duty hours, including those incurred during weekends, public holidays and travelling time to and from work.

ASSIGNMENT OF MOTOR VEHICLES

16. General

- 16.1 All motor vehicles assignments will be considered in the context of all Council policies.
- 16.2 All motor vehicle assignments shall be subject to the General Manager's direct approval and an annual review process to determine any change in circumstances that would require action to be taken under the terms and conditions of this policy.
- 16.3 Employees may be assigned and authorised to use a Council motor vehicle by the General Manager under the following circumstances:
 - i) normal day-to-day operational usage *(refer clause 17)*
 - ii) home-to-work and return operational usage *(refer clause 18)*
 - iii) contract employment – part private/business usage *(refer clause 19)*
- 16.4 Where a motor vehicle is allocated to an employee for part private use and is intended to form part of the remuneration package the benefit shall be included in their contract of employment.
- 16.5 Where a motor vehicle is allocated to an employee for home to work and return basis due to operational / business needs the requirement shall be detailed in the relevant position description.
- 16.6 The Council of the City of Sydney retains full equity in all motor vehicles.
- 16.7 The General Manager may not sub-delegate any delegations authorised by this policy.

MOTOR VEHICLE POLICY

17. Normal Day-to-Day Operational Usage

- 17.1 Where the General Manager authorises employees to use a motor vehicle in the course of their day-to-day operations for Council's business activities.
- 17.2 Employees requiring motor vehicles in these circumstances shall utilise the pool fleet by contacting the Fleet Services Officer. The employee shall only use the motor vehicle for business purposes during normal business hours or as directed by authorised staff.

18. Home-to-Work & Return Operational Usage

- 18.1 This provision only applies under the following circumstances:
- i) Where the General Manager has authorised an operational requirement to be included in a position description for an employee's job that requires the use of a Council motor vehicle on a home to work and return basis; and
 - ii) Where the employee is authorised by the General Manager to use a nominated motor vehicle to be garaged at the employee's home address on an irregular basis.
- 18.2 The use of a Council motor vehicle for under these provisions is conditional on an annual review and only applies while an employee is in the position requiring the motor vehicle. The use of a Council motor vehicle does not continue with the employee should they be promoted, transferred or redeployed.
- 18.3 The motor vehicle shall only be used by the employee for business / operational purposes save that the employee may have reasonable use of the motor vehicle in the course of commuting to and from Council work only. Such use does not include the carriage of non-Council employee passengers on such trips. Motor vehicles are not to be used on any non-duty day (except for employees placed on a bona-fide *after hours call out arrangements*).
- 18.4 Motor vehicle utilisation on this basis must be able to represent clear cost effective gains to Council and be clearly in Council's best interests. The General Manager is accountable for ensuring that each approval is in Council's best business interests and that all efforts have been made to ensure that Council's motor vehicle fleet usage is at optimum efficiency.
- 18.5 The Council of the City of Sydney may in its absolute discretion withdraw the provision of the motor vehicle to the employee for any reason whatsoever and may require the surrender of the motor vehicle so provided at any time, subject to one month's notice being given to the employee.

MOTOR VEHICLE POLICY

19. Contract Employment – Part Private/Business Usage

- 19.1 Where the General Manager appoints employees under the policy of contract employment they may be offered private/business use of a Council motor vehicle. A private/business use motor vehicle is essentially a business motor vehicle for which the private use of the motor vehicle is purchased from the total remuneration benefit available to the employee.
- 19.2 Employee classification levels entitled to this remuneration benefit and the type of motor vehicle that will be offered will be determined annually by the Council (see Schedule A).
- 19.3 Consistent with the principle of flexible remuneration packaging and individual choice, this remuneration benefit may be accepted in one of two ways:
- i) as a reduction in the total remunerated benefit of an amount equivalent to the salary sacrifice cost of the motor vehicle; or
 - ii) as the monetary component of the total remunerated benefit at an amount equivalent to the salary sacrifice cost of the motor vehicle.
- 19.4 The selection of either option will be clearly documented in the employee's contract of employment.
- 19.5 Staff who elect the remuneration as a monetary component (ie. with no salary sacrifice) and need a motor vehicle to carry out their job in a professional manner will have access to Council's operational pool fleet on an as required basis provided such use is not used to avoid paying salary sacrifice.
- 19.6 Employees offered a part private/business use of a motor vehicle shall ensure the motor vehicle is located at Council premises and available for business use Monday to Friday between normal working hours.
- 19.7 Accessories, such as sound systems, roof racks, alloy wheels, etc. may be fitted to a motor vehicle as a part of the employees total remunerated benefit options. The employee must agree to pay for such accessories as a salary sacrifice component from their total remuneration benefit. No accessories can be fitted to a private/business use motor vehicle without the approval of the General Manager directly.
- 19.8 Where a contract employee is required to have a mobile phone for job related purposes, a hands-free mobile phone kit will be installed in the nominated motor vehicle.

MOTOR VEHICLE POLICY

- 19.9 Where employees are temporarily assigned to higher grade duties for a period exceeding 10 working days in a contract position, which includes the benefit of a motor vehicle, the assigned employee will generally be entitled to an equivalent monetary component of the motor vehicle in the total remuneration benefit. Subject to the General Manager's approval, vehicle availability and that providing the assignment exceeds 10 working days, the assigned employee may be provided with a motor vehicle for the term of the higher duties assignment.
- 19.10 As remuneration packages are subject to annual review, it is possible that employees may wish to delete the motor vehicle benefit from the package at the time of review. However, as all motor vehicles are acquired on a business operational needs basis to maintain an optimum fleet size, employees under contract appointment are encouraged to retain the motor vehicle benefit for a 2 year period or until change over.
- 19.11 This policy will be reviewed and determined by Council annually, with particular regard to:
- a) The total number of motor vehicles held under the categories of:
 - Town Hall House Fleet
 - Depot Fleet
 - Home-to-work and return vehicles
 - Designated pool vehicles
 - Private/business use vehicles
 - b) The allocation of vehicles
 - c) The cost of vehicles
 - d) The costing model for part private / business use
 - e) The retention and turnover rate of vehicles (ie 1, 2 or 3 years)
- 19.12 The General Manager may vary the light motor vehicle ceiling detailed in Schedule B and the allocation of vehicles provisions of this policy. Such variations must reported annually to Council.
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MOTOR VEHICLE POLICY

SCHEDULE A

Part Private/Business Usage

For the purposes of this policy, the benefit and type of a motor vehicle which may be available within an employee's remuneration package shall apply as follows:

- The General Manager (*as listed below or Holden Statesman or similar*).
- Members of the Executive (*as listed below or Holden Calais or similar*);
- Nominated M3 Managers (*Holden Astra or Toyota Corolla or Toyota Camry or Holden Acclaim or similar*);
- Other positions as approved by the General Manager, in consultation with the Lord Mayor, in accordance with paragraph 16.2 of this policy will be allocated motor vehicles by the General Manager.

Subject to approval from the General Manager, the above employees may request factory fitted optional extras or a similar station wagon model. The cost of these options will be met by the employee and will be deducted from their total remuneration package as part of their salary sacrifice. (*refer to Section 19*).

Motor Vehicle Benefit Monetary Component

The following costing model is based on information provided by Audit & Review at June 2001 and the Manager Finance at June 2001 for a 90% private use and 10% business use basis. This model will be reviewed annually.

Holden Astra or similar	\$10,233
Toyota Corolla or similar	\$11,387
Toyota Camry (4 cylinder) or similar	\$11,983
Holden Acclaim or similar	\$13,433
Holden Calais or similar	\$16,690
Holden Statesman or similar	\$16,720

MOTOR VEHICLE POLICY

SCHEDULE B
**Current Ceiling of the Light Motor Vehicle Fleet Numbers
as at 28 August 2001**
1. Town Hall House Light Fleet

Category	Allocation	Number
1A	The Executive (part private use under contract)	4
1B	Nominated M3 Managers (part private use under contract)	13
1C	Home-to-work & return not involving salary sacrifice	4
1D	Designated pool vehicles available to be taken home if required	10
1E	Vehicles not available to be taken home and used for work purposes only	5
	Total Vehicles	36

2. The Depot Light Fleet

Category	Allocation	Number
2A	Home-to-work & return not involving salary sacrifice	12
2B	Vehicles not available to be taken home and used for work purposes only	21
	Total Vehicles	33

ITEM 8. TENDER NO. 0115 - LICENCE TO MANUFACTURE AND DISTRIBUTE SMARTPOLE™ PRODUCTS (S017226)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Project Manager - Industrial Design to the Extraordinary Meeting of Council on 3 September 2001, on the Licence to Manufacture and Distribute Smartpole™ Products, it be resolved that -

- (A) Council reject all tenders;
- (B) Council not invite fresh tenders, as it is unlikely that a more satisfactory result would be achieved by inviting fresh tenders in view of the ability to negotiate with tenderers and other parties, as proposed;
- (C) the General Manager be authorised to negotiate with all tenderers and other parties on the basis outlined in the report;
- (D) the General Manager prepare a policy for the future grant of non-exclusive licences, to be approved by the Lord Mayor;
- (E) authority be delegated to the General Manager to enter into suitable Licence Agreement(s) for Australia and overseas territories, with the concurrence of the Lord Mayor;
- (F) all relevant documents be executed by Council Attorney.

Carried unanimously.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 31/8/01

MINUTE BY THE LORD MAYOR

To Council:

A Confidential Memorandum has been prepared by the Acting General Manager for consideration at the Extraordinary meeting of Council on 3 September 2001, on Staff Appointment - Director City Projects.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Note - the confidential Memorandum by the General Manager, as referred to in the Minute by the Lord Mayor, was circulated to all Councillors.

Note - This matter was deferred to the end of the Council meeting and was discussed with no staff present apart from the Acting General Manager.

ITEM 9. STAFF APPOINTMENT - DIRECTOR OF CITY PROJECTS

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 3 September 2001, on Staff Appointment - Director City Projects, it be resolved that -

- (A) Council note that it has been consulted on the appointment of Ms Bridget Smyth to the position of Director - City Projects and advise that it does not object to the appointment;
- (B) Council note that Ms Smyth's husband, Mr Chris Procter, is a partner in an architectural firm with Mr Bill Tsakalos, the former Director of City Projects, and requires that a specific condition be included in her contract to prohibit Ms Smyth or staff of the City Projects Division from engaging or recommending the engagement of any firm with which her husband is associated, without the involvement and written approval of the General Manager at an early stage in any engagement or tender process; any such approval also requires the written concurrence of the Lord Mayor;
- (C) the terms of this resolution be kept confidential until the contract of employment has been entered into with Ms Smyth.

Carried.

ITEM 10. NEW ENERGYAUSTRALIA SMARTPOLE™ AGREEMENT (S007520)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Minute by the Lord Mayor and a Memorandum by the General Manager, to the Extraordinary Meeting of Council on 3 September 2001, on New EnergyAustralia Smartpole™ Agreement, it be resolved that -

- (A) Council delegate authority to finalise an agreement with EnergyAustralia on the terms outlined in the Memorandum by the General Manager subject to the concurrence of the Lord Mayor;
- (B) funding for the payments, as detailed in the subject Memorandum by the General Manager, be from money previously sourced for the Museum of Contemporary Art project, as well as funds sourced to make the normal EnergyAustralia lease

payments, and that the adequacy of these payments be confirmed in the 2001/02 Q1 report to Council;

(C) all relevant documentation be executed by Council's Attorney.

Carried unanimously.

Note - The confidential Minute by the Lord Mayor, and attached confidential Memorandum by the General Manager, on New EnergyAustralia Smartpole™ Agreement, was circulated to all Councillors.

ITEM 11. TRANSFER OF PARKING ENFORCEMENT

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 3 September 2001, on Transfer of Parking Enforcement, it be resolved that the subject Minute by the Lord Mayor be received and noted.

Carried.

Note - The confidential Minute by the Lord Mayor on Transfer of Parking Enforcement was circulated to all Councillors.

Note - The Chairman (the Lord Mayor) congratulated Council staff, in particular the Deputy General Manager and the Director Corporate and Legal Services, on their achievement in successfully resolving this matter to the benefit of the City of Sydney.

Note - Item 12 was dealt with by Council in open session.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 3/9/01

MINUTE BY THE LORD MAYOR

To Council:

Attached for confirmation by Council at the Extraordinary Meeting on 3 September 2001, are the minutes of the Meeting of Council held on 27 August 2001.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

ITEM 12. CONFIRMATION OF MINUTES

Moved by the Chairman (the Lord Mayor), seconded by Councillor Coulton -

That the minutes of the meeting of Council of 27 August 2001, as circulated to Councillors, be confirmed.

Carried.

At 6.20 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 22 October 2001 at which
meeting the signature herein was subscribed.