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internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

1 February 2006

Mr Harold Scruby
Pedestrian Council of Australia
PO Box 500
NEUTRAL BAY NSW 2089

Dear Harold

Thank you for your email of 30 January 2006 about Merlin Street and advice about the missing No Stopping sign.

I agree with you that Merlin Street is an area where much parking abuse happens. We also receive complaints from residents in Merlin Street regarding the parking situation, which has worsened since the Expressway works have commenced. Accordingly the street is regularly patrolled by Council's Rangers.

The missing sign will of course be replaced, although as you know, a sign is not required to enforce at a crossing. The law requires 20 metres in front and 10 metres after be kept clear. In any event, all the vehicles depicted in the photos you sent have received Penalty Infringement Notices.

We have been experiencing a major problem in Merlin Street, whereby the RTA contracted tow truck drivers pick up broken down vehicles from the Expressway and dump them in the pedestrian crossing area. I have formally raised this with the RTA and as yet have had no response.

Yours sincerely

Penny Holloway
GENERAL MANAGER

CC: Commander, Harbourside Police



PEDESTRIAN COUNCIL OF AUSTRALIA
Safety - Amenity - Access - Health

Harold Scruby
Chairman/CEO

PO Box 500 Neutral Bay NSW 2089
scruby@walk.com.au - www.walk.com.au
Phone: (02) 9968 4555 Mobile: (0418) 110 011 Fax: (02) 9968 4566



Harold Scruby

From: PCA [walking@walk.com.au]
Sent: Wednesday, 20 July 2005 4:47 PM
To: Greg Cooper
Cc: Paul Forward; 'Penny Holloway'; 'mccross@northsydney.nsw.gov.au'
Subject: Utter Incompetence - Potential Negligence: Pedestrian Crossing in Merlin Street North Sydney

Importance: High

Attachments: 050720-03961.JPG; 050720-03962.JPG; 050720-03963.JPG; 050720-03964.JPG; 050720-03965.JPG; 050720-03966.JPG; 050720-03967.JPG; 050720-03968.JPG; 050720-03969.JPG; 050720-03970.JPG; 050720-03971.JPG; 050720-03972.JPG



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I don't know who approved it, but it is difficult to imagine any professional person being as utterly incompetent as this, in this day and age.

The RTA's "default" No Stopping zone preceding a Pedestrian Crossing is 20 metres. This should never be varied without an independent safety audit, so in the event of a pedestrian injury or death, Council can justify its decision to vary the standard.

On the eastern side of this crossing you have allowed 5 metres.

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Instead, someone has placed a couple of plastic devices which apparently are supposed to get you around the requirements..

They don't.

As usual, safety always comes a long way after commerce and parking.

Especially as this is preceded by a Work Zone where you can expect this location to be occupied by very large trucks, so line of sight will be virtually NIL.

It's abundantly clear that whoever made this decision has been pressured to allow as much parking as possible and safety hasn't even entered the equation. It could hardly be more dangerous with the movement of all these huge earth-moving trucks and vehicles, even B-doubles.

Please read the Court of Appeal (Bussell vs. Canterbury Council) and realise how someone has set North Sydney Council up for a potentially massive (possibly punitive) negligence and damages claim if someone is killed or injured at this very busy location (during the construction phase of the access ramp to the Freeway).

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=782&SiteID=1>

Please have these signs set back to the default 20 metres No Stopping on both sides of Merlin Street first thing tomorrow.

And please advise us who permitted this to occur. And what systems you will put in place to ensure it never happens again.

PS: We will now request an independent safety audit of all Pedestrian Crossings and Refuges in the Municipality. This is simply scandalous.

Regards

Harold

Harold Scruby
Chairman/CEO

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"The Walking Class Heroes"

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RTA

Dear Paul

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He "absolutely" agrees with our concerns and has put the blame squarely in court of the RTA.

This is an utter disgrace and shows nothing but utter contempt for the safety and rights of pedestrians.

Would you please have this fixed no later than tomorrow before someone is killed or seriously injured.

And would you please advise us what systems you intend putting in place to ensure this never happens again.

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-----Original Message-----

From: Greg Cooper [mailto:coogre@northsydney.nsw.gov.au]

Sent: Wednesday, July 20, 2005 5:09 PM

To: Community.Enquiries@LCT.optusincite.com; walking@walk.com.au

Cc: Penny Holloway; mccross@northsydney.nsw.gov.au; paul_forward@rta.nsw.gov.au

Subject: Re: Utter Incompetence - Potential Negligence: PedestrianCrossing in Merlin Street North Sydney

Harold: I absolutly agree. These works were undertaken by the RTA contractor for the Falcon Street Ramps. RTA and their Contractors does not need Council approval. We have expressed our concerns regarding this instillation of this facility on a number of occassions. The Contractors have given us assurances that the problems will be addressed. I will foward this email on to them.

Regards

Greg Cooper

Director Engineering and Property Services Ph 9936 8230 Mobile 0418 216 727

Fax: 9936 8177

Postal Address: PO Box 12, NORTH SYDNEY NSW 2059

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Regards

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Harold Scruby
Chairman/CEO

Pedestrian Council of Australia Limited
"The Walking Class Heroes"

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From: PCA [walking@walk.com.au]
Sent: Monday, 25 July 2005 4:17 PM
To: 'Penny Holloway'
Cc: Greg Cooper ; Genia McCaffery; 'gilker@northsydney.nsw.gov.au'
Subject: EXTREMELY URGENT: Utter Incompetence - Potential Negligence: Pedestrian Crossing in Merlin Street North Sydney

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Dear Penny

If you ever required proof positive that the Management of your Rangers and Parking Officers needs a major shake-out, well here it is.

After all this trouble, our phone call on Friday where you said this pedestrian crossing would be patrolled regularly, after all the publicity about the new Penalties and Demerit Points coming into force on 1 July 2005, after the seven years of extremely hard work we put into getting DPs for this offence, just guess what type of PIN your "meter-maids" have issued. You got it. They booked them for No Stopping. That's right \$175 instead of \$225 + 1 Demerit Point for Stopping in a Pedestrian Zone.

Honestly Penny. Have these people ever had any training besides Parking Meters and how not to book residents, rate-payers and voters?

You just wonder how many other motorists have been booked for the wrong offence since 1 July 2005.

This demands that heads roll. I know you'll go into the standard routine of "denial" and "protect the staff at all costs", but I've presented you with years of evidence that the Management of your Enforcement team is utterly incompetent and inept. Sooner or later this kind of incompetence will cost Council and Ratepayers (including myself) dearly.

Just look at the photos. (I accept that 2 of these vehicles were towed there by the RTA and I will write to them separately) ... You couldn't expect the Management of the Rangers to do that. No, never. That's someone else's responsibility.

So please, employ someone who cares about SAFETY FIRST and PARKING METERS and REVENUE-RASING second.

Regards

Harold

Harold Scruby
Chairman/CEO

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Dear Paul

Thank you for fixing the No Stopping zones (line of sight) surrounding the new Pedestrian Crossing in Merlin Street.

I certainly hope someone got into serious trouble for such unbelievably irresponsible and potentially lethal behaviour.

And I certainly hope systems are now in place so that this does not occur again.

Unfortunately RTA contractors had left 2 vehicles in the now No Stopping Zones (see photos). Would you please arrange to have them towed from these zones immediately as they are dangerously parked.

Unbelievably, North Sydney Rangers attended the location today upon a complaint from the PCA and issued the wrong PINs for No Stopping \$175, not Stopping in a Pedestrian Zone \$225 + 1 Demerit Point.

Is the RTA able to ensure that Rangers and Council Parking Officers are properly trained in this regard. If this does not come under your responsibility, would you please ensure that whoever is responsible is swiftly informed of this clear lack of training.

Many thanks

Regards

Harold

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Sent: Wednesday, July 20, 2005 5:09 PM
To: Community.Enquiries@LCT.optusincite.com; walking@walk.com.au
Cc: Penny Holloway; mccross@northsydney.nsw.gov.au; paul_forward@rta.nsw.gov.au
Subject: Re: Utter Incompetence - Potential Negligence: PedestrianCrossing in Merlin Street North Sydney

Harold: I absolutly agree. These works were undertaken by the RTA contractor for the Falcon Street Ramps. RTA and their Contractors does not need Council approval. We have expressed our concerns regarding this instillation of this facility on a number of ocassions. The Contractors have given us assurances that the problems will be addressed. I will foward this email on to them.

Regards

Greg Cooper
Director Engineering and Property Services Ph 9936 8230 Mobile 0418 216 727
Fax: 9936 8177
Postal Address: PO Box 12, NORTH SYDNEY NSW 2059

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>>> "PCA" <walking@walk.com.au> 20/07/05 16:46:53 >>>
Mr Greg Cooper
North Sydney Council

Dear Greg

Attached are photos taken today of the new Pedestrian Crossing in Merlin Street.

I don't know who approved it, but it is difficult to imagine any professional person being as utterly incompetent as this, in this day and age.

The RTA's "default" No Stopping zone preceding a Pedestrian Crossing is 20 metres. This should never be varied without an independent safety audit, so in the event of a pedestrian injury or death, Council can justify its decision to vary the standard.

On the eastern side of this crossing you have allowed 5 metres.

On the western side you have allowed "zero" metres, preceded by a Work Zone.

Instead, someone has placed a couple of plastic devices which apparently are supposed to get you around the requirements..

They don't.

As usual, safety always comes a long way after commerce and parking.

Especially as this is preceded by a Work Zone where you can expect this location to be occupied by very large trucks, so line of sight will be virtually NIL.

It's abundantly clear that whoever made this decision has been pressured to allow as much parking as possible and safety hasn't even entered the equation. It could hardly be more dangerous with the movement of all these huge earth-moving trucks and vehicles, even B-doubles.

Please read the Court of Appeal (Bussell vs. Canterbury Council) and realise how someone has set North Sydney Council up for a potentially massive (possibly punitive) negligence and damages claim if someone is killed or injured at this very busy location (during the construction phase of the access ramp to the Freeway).

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=782&SiteID=1>

Please have these signs set back to the default 20 metres No Stopping on both sides of Merlin Street first thing tomorrow.

And please advise us who permitted this to occur. And what systems you will put in place to ensure it never happens again.

PS: We will now request an independent safety audit of all Pedestrian Crossings and Refuges in the Municipality. This is simply scandalous.

Regards

Harold

Harold Scruby
Chairman/CEO

Pedestrian Council of Australia Limited
"The Walking Class Heroes"

Telephone: (02) 9968-4555
Facsimile: (02) 9968-4566
Mobile: (0418) 110-011

Email: walking@walk.com.au
Internet: www.walk.com.au

PO Box 500
NEUTRAL BAY NSW 2089
AUSTRALIA

ABN 18 075 106 286

Harold Scruby

From: PCA [walking@walk.com.au]
Sent: Monday, 30 January 2006 5:09 PM
To: Penny Holloway
Cc: Greg Cooper
Subject: Merlin Street - Pedestrian Crossing
Importance: High

Dear Penny

The No Stopping sign in front of the pedestrian crossing in Merlin Street has been removed.

And illegal parking is out of control while the Rangers are busy booking vehicles on expired meters in Grosvenor Street.

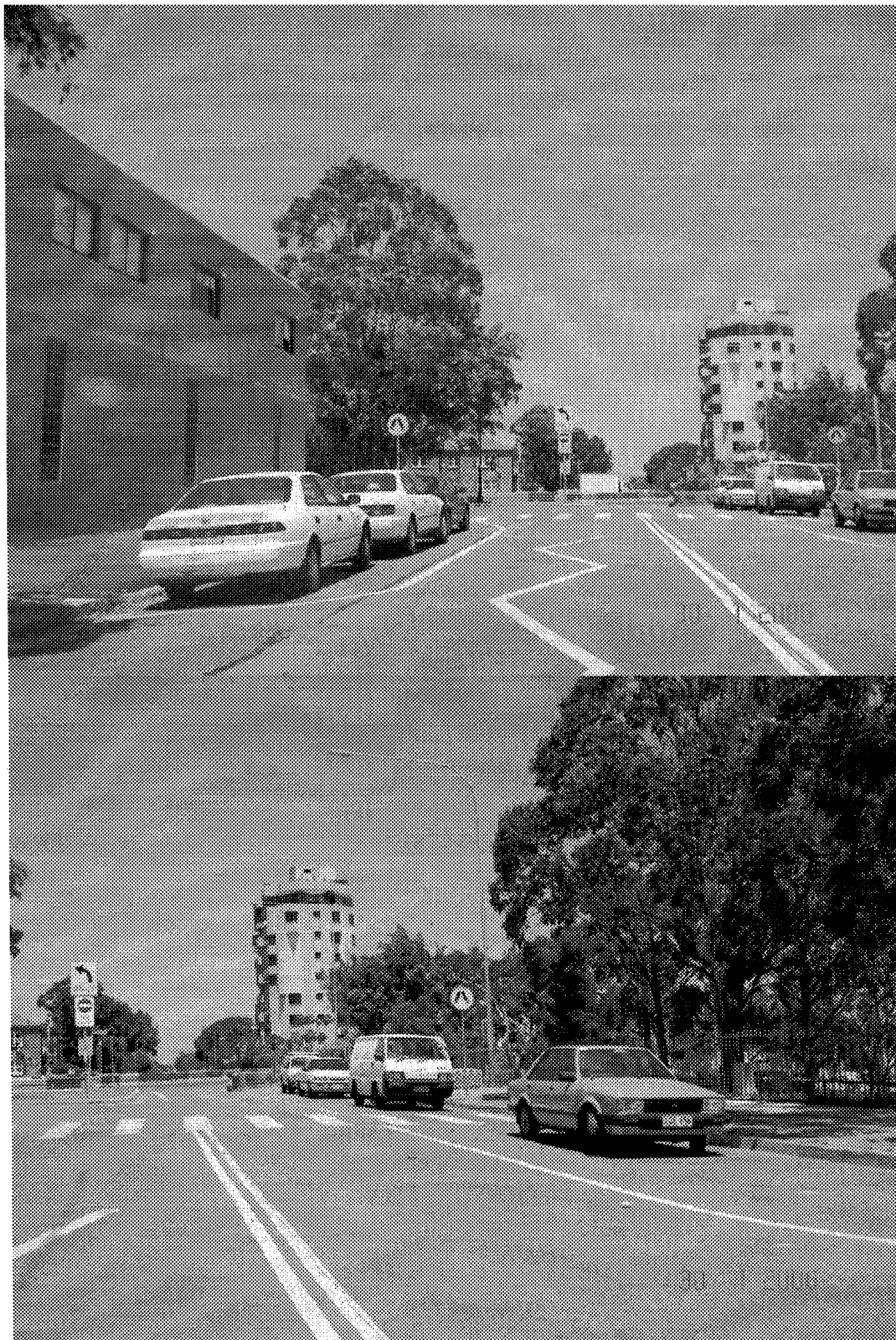
Widespread flouting of the law like this usually occurs when motorists realise there is little chance of being booked.

There's a 1 Demerit Point and a \$225 penalty for at least 6 of these vehicles, all parked in a Pedestrian Zone (20 metres approach and 10 metres departure).

Would you please have the signs replaced and the location regularly enforced.

Council has a Duty of Care to properly sign-post and enforce the law at pedestrian crossings. See Court of Appeal - Bussell vs. Canterbury Council:

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=782&SiteID=1>





Regards

Harold

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15/06/2006

Harold Scruby

Subject: FW: URGENT: Merlin Street - Pedestrian Crossing

Importance: High

Attachments: 041231-01358.JPG; 31-01-2006 9-00-46 PM_0003.jpg; 31-01-2006 9-00-55 PM_0004.jpg; 31-01-2006 9-01-02 PM_0005.jpg; 31-01-2006 9-01-18 PM_0006.jpg; 31-01-2006 9-01-31 PM_0007.JPG; 31-01-2006 9-01-39 PM_0008.JPG; 31-01-2006 9-02-01 PM_0009.jpg; 31-01-2006 9-02-14 PM_0010.JPG; 31-01-2006 9-02-23 PM_0011.JPG; 31-01-2006 9-02-33 PM_0012.jpg; 31-01-2006 9-03-00 PM_0013.jpg; 31-01-2006 9-03-05 PM_0014.jpg

From: PCA [mailto:walking@walk.com.au]

Sent: Wednesday, 1 February 2006 9:32 AM

To: 'Penny Holloway'

Cc: 'gregory.frearson@osr.nsw.gov.au'; 'nola1bel@police.nsw.gov.au'

Subject: URGENT: Merlin Street - Pedestrian Crossing

Importance: High

Dear Penny

Re our email to you below of 30 January, would you please advise why your Rangers issued \$175 PINs when the offence is not stop in pedestrian zone which attracts a penalty of \$225 and 1 Demerit Point (see photos). We worked for over 7 years to get this offence raised to the status of Demerit Points. It received unanimous support from all Road Safety stakeholders.

The white vehicle in the middle of the three on the northern side of Merlin Street remains illegally parked (within 20 metres of a pedestrian crossing) without a PIN. Is that because your Rangers believe they require a No Stopping sign before they can issue a PIN for \$225 plus 1 DP? Well they can and they should, especially when there is serious potential for harm like this.

We wrote to you about 6 months ago when your Rangers issued the wrong PINs. It appears they are still at it and require some serious training.

Would you please advise if any of your Rangers or Parking Officers have ever issued a PIN for this offence since it became law on 1 July 2005.

Regards

Harold Scruby
PCA

15/06/2006

Harold Scruby

From: PCA [walking@walk.com.au]
Sent: Thursday, 9 February 2006 6:47 PM
To: Sgt Dave Olsen; 'nola1bel@police.nsw.gov.au'
Subject: FW: VERY URGENT - RTA towing contractors leaving cars in pedestrian zones

Importance: High

Attachments: 9-02-2006 11-05-04 AM_0021.JPG; 9-02-2006 11-04-46 AM_0019.JPG; 9-02-2006 11-04-27 AM_0018.JPG; 9-02-2006 11-04-24 AM_0017.JPG; 9-02-2006 11-04-13 AM_0016.JPG; 9-02-2006 11-03-41 AM_0015.JPG; NSW_RoadToll_060208.pdf; NorthSydney_Holloway_Merlin_PedCrossing_060201.jpg



9-02-2006



9-02-2006



9-02-2006



9-02-2006



9-02-2006



9-02-2006



NSW_RoadToll_060208.pdf (25 KB...)



NorthSydney_Holloway_Merlin_Pe...

Copy Supt Belinda Nolan and Sgt Dave Olsen

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Sent: Thursday, 9 February 2006 7:34 PM
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Acting CE
RTA

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Regards

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Sent: Tuesday, 7 February 2006 7:02 PM

To: Mike Hannon

Cc: 'nola1bel@police.nsw.gov.au'; Sgt Dave Olsen; 'Penny Holloway'

Subject: VERY URGENT - RTA towing contractors leaving cars in pedestrian zones

Importance: High

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Acting CE
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And would you please ensure there are systems in place to guarantee this never happens again in NSW.

We look forward to your detailed reply.

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NorthSydney_Holloway_Merlin_Pe...

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Cc: 'nola1bel@police.nsw.gov.au'; Sgt Dave Olsen; 'Penny Holloway'

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Importance: High

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10-51-17 AM_0153.JPG; 10-51-59 AM_0155.JPG; 10-52-14 AM_0156.JPG; 10-53-13 AM_0159.JPG; 10-54-18 AM_0163.jpg; 10-54-47 AM_0164.JPG; 11-04-24 AM_0...



NorthSydney_Holloway_Merlin_Pe...

-----Original Message-----

From: PCA [mailto:walking@walk.com.au]

Sent: Monday, 20 February 2006 3:38 PM

Subject: VERY URGENT - RTA towing contractors leaving cars in pedestrian zones

Importance: High

The Hon Eric Roozendaal
Minister for Roads

Attention: Mr Nageb Al-Malah

Dear Minister

First, let us congratulate you on your new portfolio. We look forward to working closely with you in order to reduce the NSW Road Toll.

We are writing to you in utter frustration.

We note that only a week ago, your predecessor, the Hon Joe Tripodi announced a major review, by the RTA into Pedestrian Deaths (and injuries)

But what is the point, when the same agency shows such utter contempt for pedestrian safety.

The correspondence below is self-explanatory. It involves RTA contractors placing abandoned and illegally parked vehicles in a pedestrian zone.

It is illegal to STOP, let alone park in a pedestrian zone: Not for even a second.

The RTA's own penalty for this offence is \$225 and 1 Demerit Point as it's considered very dangerous behaviour with serious potential for harm.

This has been ratified in a unanimous decision by the NSW Court of Appeal (Campbelltown City Council vs. Bussell 2002)

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=782&SiteID=1>

We have been writing to the head of the RTA since 7 February. No reply, no acknowledgement, absolutely no action (see today's photos attached).

We contacted North Sydney Council. They have contacted the RTA to no avail. (see GM's letter attached)

We have contacted the Commander of the North Sydney Police LAC.

Sgt Dave Olsen has called the RTA operations twice now over the last week. Nothing.

He has even booked 2 tow-trucks for parking illegally in this zone.

But the (RTA towed) illegally parked vehicles remain. They have been there since at least 7 January 2006. One has two tickets on it which I suspect the RTA will have to pay.

This is scandalous. No sense of urgency. No sense of duty of care. No possible notion that if someone were killed or injured due to the obstruction caused by these vehicles, the RTA would be liable, possibly criminally negligent. It shows nothing but utter contempt for pedestrian safety. And this is when the pedestrian death toll is already up 40% on last year (copy of yesterday's Road Toll attached - 7 more killed over the weekend).

Would you please have these vehicles removed immediately (TODAY if possible) and ensure the RTA has very strict policies that vehicles are not to be towed and parked in pedestrian zones. And discover why there has been absolutely no reaction to the joint please from the Council, the Police and ourselves.

Additionally, perhaps you might like to reconsider who conducts the inquiry into Pedestrian Deaths and Injuries. Maybe an independent study and report would be more appropriate.

Regards

Harold Scruby
Chairman/CEO

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Sent: Friday, 17 March 2006 11:03 AM

To: The Hon Eric Roozendaal

Cc: 'Commander John Hartley'; 'Penny Holloway'; Sgt Dave Olsen;

'nola1bel@police.nsw.gov.au'; 'Nageb.Al-Malah@Roozendaal.minister.nsw.gov.au'

Subject: FW: VERY URGENT - RTA road building contractors leaving large vehicles in pedestrian zones

Importance: High

The Hon Eric Roozendaal
Minister for Roads

Attention: Mr Nageb Al-Malah

Dear Minister

Further to my email to you of 14 March (copy below), as you are aware, the RTA took over 6 weeks to remove vehicles their own contractors had towed into the pedestrian zone in Merlin Street North Sydney.

Yesterday morning, Sgt Dave Olsen of North Sydney Police called me. He had just issued 6 tickets (\$225 + 1 Demerit Point) to construction vehicles all parked in this pedestrian zone - most over 4 tonnes.

They were apparently all owned by the RTA contractors building the Lane Cove tunnel and on/off-ramps.

Unbelievable. And this is the same organisation that only a month ago announced an inquiry (their own - not an independent) into Pedestrian Deaths and Injuries.

Would you please take a personal interest in this very serious Road Safety matter to ensure it does not happen again.

Regards

Harold

Harold Scruby
Chairman/CEO

Pedestrian Council of Australia Limited
"The Walking Class Heroes"

Harold Scruby

From: PCA [walking@walk.com.au]
Sent: Monday, 8 May 2006 2:39 PM
To: 'Terry Jacobsen'
Cc: Sgt Dave Olsen; 'Belinda Nolan'; 'Penny Holloway'
Subject: Pedestrian Zones and avoiding the Sophie Delezio tragedy

Attachments: 8-05-2006 1-04-28 PM_0047.JPG; 8-05-2006 1-04-38 PM_0048.JPG; 8-05-2006 1-04-43 PM_0049.JPG; 8-05-2006 1-04-48 PM_0050.JPG; 8-05-2006 1-05-44 PM_0052.JPG; 050831_00005.jpg



8-05-2006 1-04-28 PM_0047.JPG ... 8-05-2006 1-04-38 PM_0048.JPG ... 8-05-2006 1-04-43 PM_0049.JPG ... 8-05-2006 1-04-48 PM_0050.JPG ... 8-05-2006 1-05-44 PM_0052.JPG ... 050831_00005.jpg (51 KB)

Hi Terry

These photos were taken just over an hour ago. This was not staged. The women pushing the pram told me how dangerous it was there and how trucks were always parking there.

Sgt Dave Olsen called me this morning and informed me he had just booked 3 vehicles there for the \$224 + 1 DP offence. He's doing a fantastic job. The North Sydney Ranger booked 2. I've given up trying to get North Sydney Rangers to properly enforce the law and focus on safety first.

Dave has now issued over 2 dozen tickets for this offence at this location (Merlin Street)

But North Sydney Council Rangers continue to refuse to properly enforce the above offence, preferring the \$175 penalty. I can't get the GM to explain.

As you can see from our Media Release, North Sydney Council has clearly decided to not issue this penalty, which was brought in to try and dissuade this potentially lethal practice.

<http://www.walk.com.au/pedestriancouncil/Page.asp?PageID=1368>

The number of PINs issued for this offence last year fell from 65 to 9 (first six months compared with second six months). This can't be accidental. Someone has decided to go ultra soft on enforcing this law.

And of course, then you get tragedies like last Friday. The photos attached show you just how potentially dangerous all pedestrian crossings are when line of sight is obstructed.

And the NSW Court of Appeal has left no doubt that Councils must provide adequate line of sight around all crossings (including Pedestrian Refuges). The one in West Street just near the Police station has provide less than a metre for No Stopping. But the Councils cares not a fig. All they are interested in is more and more on-street parking and Safety Be Damned.

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=782&SiteID=1>

Meanwhile, most Councils put most of their resources into enforcing parking meters and times zones. As you know, when it comes to the myopia of a local Council, commerce comes miles ahead of safety.

Regards

Harold

Harold Scruby
Chairman/CEO

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