



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

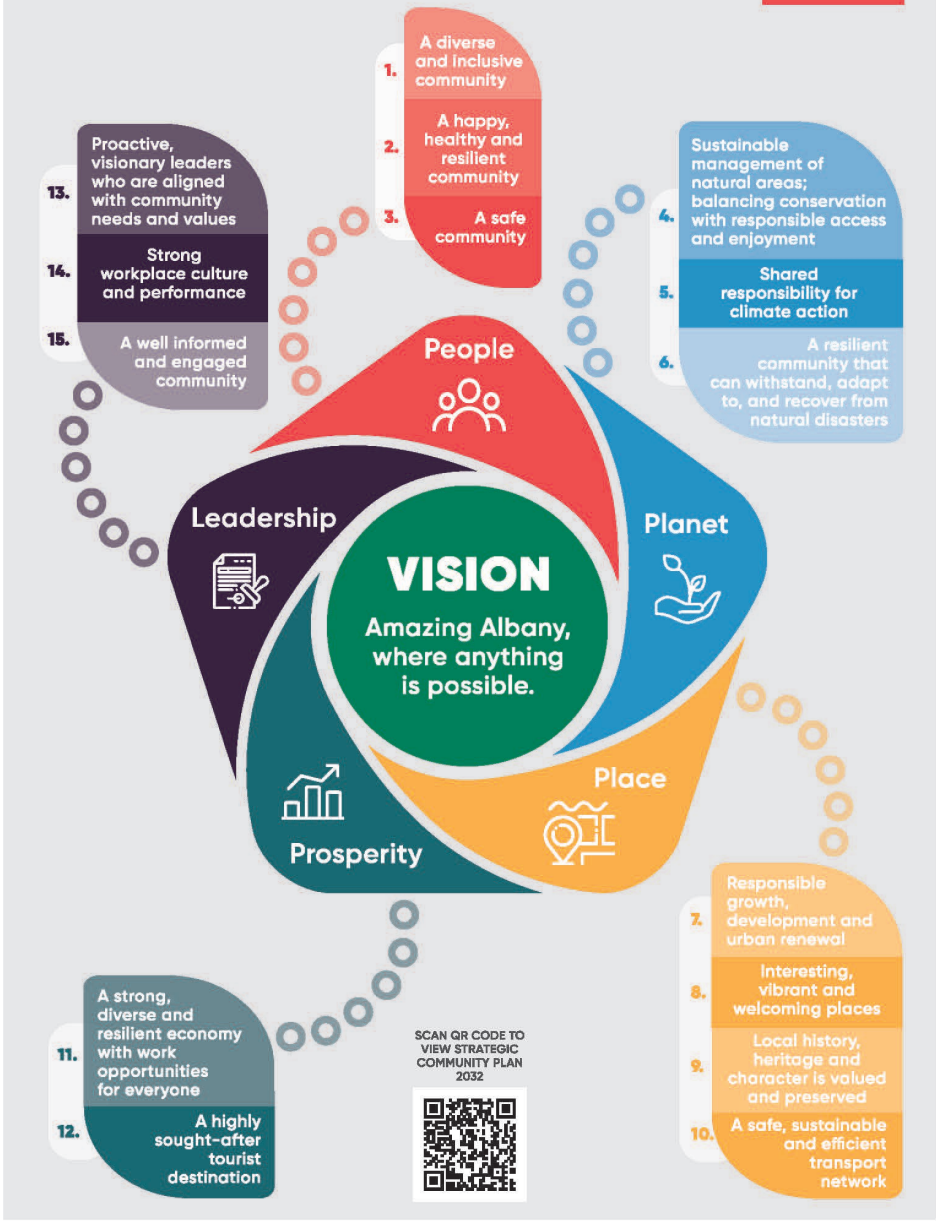
Wednesday 14 September 2022

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032



Development & Infrastructure Services Committee
Terms of Reference

Functions: The Committee is responsible for:

The Development and Infrastructure Services Committee is responsible for delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Planet Pillar** and **Place Pillar**:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment;
- Shared responsibility for climate action;
- Responsible growth, development and urban renewal;
- Interesting, vibrant and welcoming places;
- Local history, heritage and character is valued and preserved; and
- A safe sustainable and efficient transport network.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly

Meeting Location: Council Chambers

Executive Officers: Executive Director Infrastructure, Development & Environment

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 14/09/2022

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 14/09/2022

1. **DECLARATION OF OPENING** – The Chair declared the meeting open at 6.00pm.

2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders past, present and emerging”.

3. **RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Mayor

D Wellington

Councillors:

Member

S Smith

Member

C Thomson (Chair)

Member

R Sutton (Deputy Chair)

Member

P Terry (Attended via Zoom)

Member

G Stocks

Member

M Traill

Member

T Brough

Member

M Benson-Lidholm JP

Member

D Baesjou

Member

A Cruse

Staff:

Chief Executive Officer

A Sharpe

Acting Executive Director Infrastructure, Development & Environment

D Lawrence

Manager Engineering and Sustainability

R March

Manager Planning and Building

J van der Mescht

Meeting Secretary

P Ruggera

Apologies:

Member

J Shanhun (Apology)

Three representatives of the proponent companies for DIS315: 12-month Commercial trial of hireable electric scooters were in attendance.

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil		

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME

In accordance with City of Albany Standing Orders Local Law 2014 (as amended) the following points apply to Public Question Time:

- Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

Ms Mia Onorato-Sartari
Summary of Key Points:

Ms Onorato-Sartari represented a proponent for Report Item DIS315: 12 Month Commercial Trial of Hireable Electric Scooters and addressed Council in support of the proponent's application.

Mr Connor Davies
Summary or Key Points:

Mr Davies represented a proponent for Report Item DIS315: 12 month Commercial Trial of Hireable Electric Scooters and addressed Council in support of the proponent's application.

Ms Deevya Desai
Summary of Key Points:

Ms Desai represented a proponent for Report Item DIS315: 12 month Commercial Trial of Hireable Electric Scooters and addressed Council in support of the proponent's application. (via Zoom)

7. PETITIONS AND DEPUTATIONS- Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR BENSON

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 10 August 2022 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

9. PRESENTATIONS - Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil

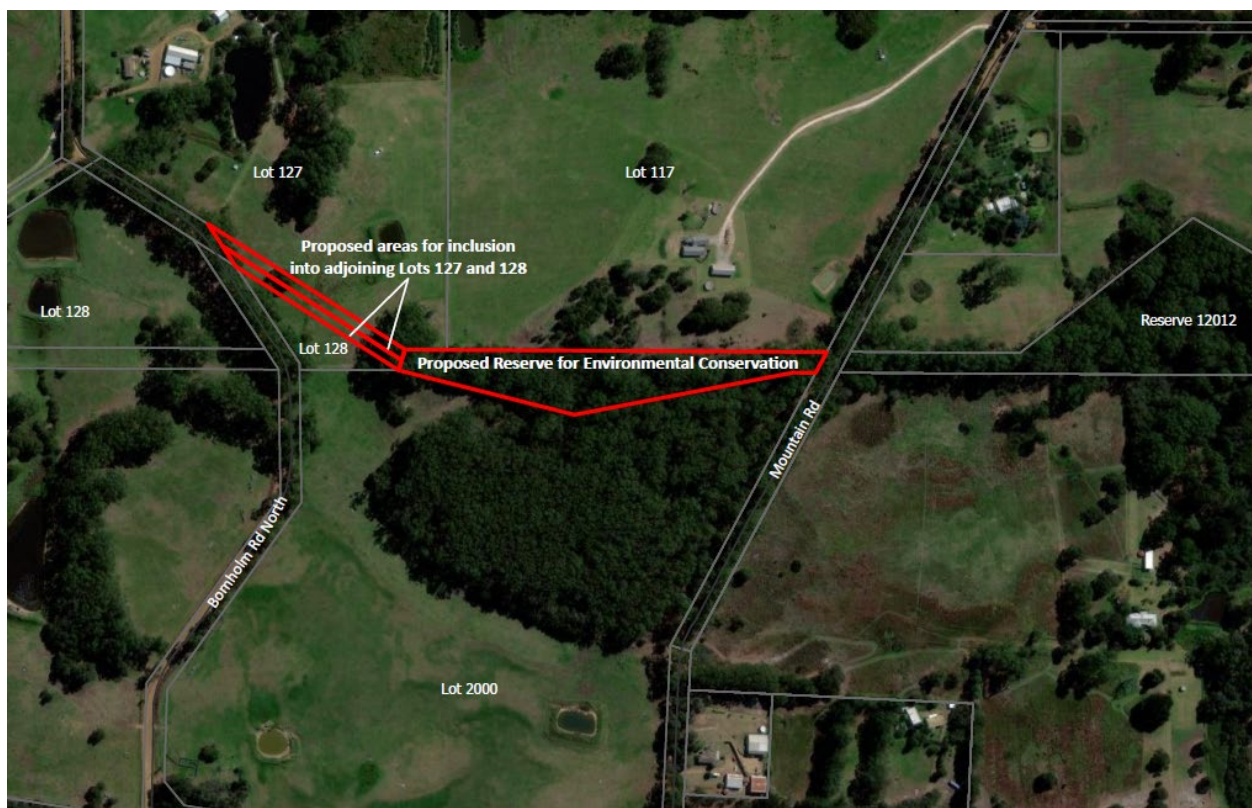
DIS314: PROPOSED CLOSURE OF UNCONSTRUCTED UNNAMED ROAD RESERVE, BORNHOLM

Land Description	: An unconstructed, unnamed road reserve, Bornholm
Proponent / Owner	: Road reserve: City of Albany (responsible authority) Lot 127: R MacDonald Lot 128: C & B Smedley Reserve 12012: City of Albany (managed)
Attachments	: Map of proposed road closure
Report Prepared By	: Lands Officer (A.Veld)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P.Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place
 - **Outcomes:** A safe, sustainable and efficient transport network.
 - **Pillar:** Planet
 - **Outcome:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment

Maps and Diagrams:



In Brief:

- The City has received a request from adjoining landowners to purchase portions of land that currently form part of an unconstructed road reserve in Bornholm.
- A road needs to be permanently closed in order for adjoining landowners to purchase land that is currently part of a road reserve.
- Staff have investigated the request and recommend that the unconstructed unnamed road reserve be closed, as there is no strategic benefit to the City for the land to remain as a road reserve. Further background and detail in the City's consideration of this request is outlined in the report below.
- Council's resolution is required to formally commence these land actions, in accordance with the relevant legislation.
- Council are recommended to support the officer's recommendation, as the road closure will:
- Allow the adjoining landowners to resolve a boundary issue by purchasing relevant portions of the road reserve, with the outcome a better reflection of the current use of these portions of the land; and
- Provide the City with the opportunity to retain an area of identified remnant native vegetation, to preserve and protect its environmental values, and also ensure ongoing management through its incorporation into existing Reserve 12012 and subsequent amendment of the existing reserve's purpose from Parkland and Recreation to Environmental Conservation.

RECOMMENDATION

DIS314: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR SMITH

SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 11-0

DIS314: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- 1) RESOLVE to permanently close the subject unnamed and unconstructed road reserve in Bornholm;
- 2) REQUEST the Minister for Lands to undertake suitable arrangements to dispose of the subject land, on the condition that the:
 - a) Western portions of the closed road reserve as shown on the attached plan, are amalgamated with adjoining Lots 127 & 128 Bornholm Road North, pursuant to s. 58 of the *Land Administration Act 1997* and r. 9 of the *Land Administration Regulations 1998*.
 - b) The eastern portion of the closed road reserve as shown on the attached plan, is incorporated into Reserve 12012, with the vested purpose of Reserve 12012 changed from Parkland and Recreation to Environmental Conservation, pursuant to s. 41 and s. 51 of the *Land Administration Act 1997*.

BACKGROUND

2. Landowners adjacent to existing road reserves may request the purchase of land that is considered underutilised or unnecessary. When the City agrees that the land is no longer needed for its intended purpose, a number of land actions must be carried out, including a formal road reserve closure process. The City of Albany, as the local government, has the authority to carry out this action.
3. In accordance with the *Land Administration Act 1997 and Land Administration Regulations 1998*, a Council resolution is required to formally commence land actions to undergo a formal road closure process.
4. The landowners of No. 91 (Lot 128) Bornholm Road erected a fence between them and the adjoining landowners of No. 96 (Lot 127) Bornholm Road.
5. The Landowners realised that the fence may have been constructed within City managed land. To address this matter, both parties approached the City of Albany seeking assistance in identifying a way forward.
6. Following receipt of the request, the City of Albany subsequently commenced investigations into relevant the land matters and identified the following:
 - The fence line had been built within an unconstructed portion of an unnamed road reserve that extends between Bornholm Road North and Mountain Road.
 - That historic landowners of Lots 127 and 128 had been using the land as part of their properties, most likely since the formal construction of Bornholm Road North.
 - Although the date of formal construction of Bornholm Road North was unable to be determined, it was likely that it occurred during the earlier part of last century. A requirement for a formal connection between Bornholm Road North and Mountain Road in this location has never been identified, and the unconstructed portion of road reserve remains predominantly unchanged, with the western portion primarily cleared and used for rural purposes by the adjoining landowners.
 - The eastern section of the subject road reserve remains predominantly uncleared and identified as containing a pocket of remnant native vegetation, described in the Albany Regional Vegetation Survey 2010 as 'Tall Karri Open Forest'.
 - The remnant vegetation directly adjoins 6.5ha of the same vegetation on private property to the south, and is adjacent to City managed Reserve 12012 located to the east directly across Mountain Road.
7. The outcomes of the City's investigations into the land matters and subsequent recommended actions, including outcomes of associated public advertising and internal consultation, are discussed in detail below.

DISCUSSION

8. Based on the City's investigations into the land matters of the subject site, it was found that there was no benefit to the local government or broader community in retaining the subject land as a road reserve, as it was unlikely to be required to support or provide access for future development of the area.

9. The outcomes of the City's investigations resulted in the following recommendations:
- Commence formal proceedings to implement the closure of the unnamed unconstructed road reserve; and
 - Upon closure of the road reserve, liaise with relevant government departments to:
 - Arrange for divesting of the portions of the western section of the subject land and subsequent amalgamation of these portions with adjoining Lots 127 and 128
 - Incorporate the eastern portion of the portion of the subject land containing the remnant native vegetation, with Reserve 12012
 - The current vested purpose of Reserve 12012 be changed from 'Parkland and Recreation' to 'Environmental Conservation'

Amalgamation of portions to Lots 127 and 128

10. The City notified the landowners of the outcomes from the investigations into the land matters of the subject site, with the City receiving a formal request from the landowners of Lots 127 and 128, Bornholm Road North, in March 2021, to purchase portions of an unconstructed road reserve located between their two properties.
11. The areas of the unconstructed unnamed road reserve that are sought to be amalgamated into the adjoining Lots 127 and 128 are predominantly cleared land used for rural purposes.
12. Amalgamation of these portions of the unnamed unconstructed road reserve into the adjoining lots will have no detrimental impact on the amenity of adjoining properties, nor will the disposal of the subject portions of land result in any disadvantage to the City or broader community.
13. Public advertising was undertaken on the proposed land actions between July and August 2022, during which time, no submissions were received.
14. Following the above, City officers support the landowners' request to purchase portions of this land for amalgamation into their respective properties and recommend that Council resolve to formally commence the associated land actions required to implement the request.

Incorporation into Reserve 12012

15. The area of remnant native vegetation within the eastern portion of the unnamed unconstructed road reserve is adjacent to City managed Reserve 12012, located to the east directly across Mountain Road.
16. The pocket of remnant native vegetation (including the subject land, the adjoining 6.5ha on private land to the south and Reserve 12012) is likely to be potential habitat for the three threatened species of black cockatoo, and the critically endangered Western Ringtail possum.
17. Reserve 12012 is currently reserved for the purpose of Parkland and Recreation. The City's onsite investigations in relation to the subject land matters found that the existing reserve and eastern portion of the subject road reserve land are both densely vegetated with limited access.

18. Following the above and internal consultation with the City’s Reserves team:
- There are no proposed actions or works proposed for Reserve 12012 relating to its current purpose. Discussions found that the current purpose therefore may not be the most appropriate purpose for the land.
 - It was requested that the City commence proceedings for the portion of the subject land incorporating the remnant native vegetation be vested as a reserve, incorporated with adjoining Reserve 12012;
 - The overarching purpose of Reserve 12012 be changed from Parkland and Recreation to Environmental Conservation;
 - The vesting of this portion of the land to reserve and the overarching purpose of the reserve being changed to Environmental Conservation, will add to the existing wildlife corridor to the east and better reflect the current use of Reserve 12012.
19. City officers recommend that Council resolve to close the road reserve so that relevant land action requests can be forwarded to the Department of Planning, Lands, and Heritage to finalise the land disposal and Reserve 12012 amendments.

GOVERNMENT & PUBLIC CONSULTATION

20. Pursuant to section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*, the City publicly advertised the proposal.

21. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Letter to adjoining landowners		2	Yes
Consult	Public notice	8 July – 12 August 2022		Yes
Consult	Community Newsletter	8 July – 12 August 2022		Yes
Consult	Public Comments page City of Albany website	8 July – 12 August 2022		Yes

22. Letters were sent to the other landowners adjoining the unconstructed road reserve. Both were supportive of the proposal.
23. Public advertising of the proposal was initiated on 8 July and was open for public comment for 35 days until 12 August 2022. No submissions were received.

STATUTORY IMPLICATIONS

24. Section 58 of the *Land Administration Act 1997* gives authority to a local government to request the Minister for Lands to close a road.
25. Regulation 9 of the *Land Administration Regulations 1998* outlines the actions a local government must take to prepare and deliver a request to the Minister to close a road.
26. Section 41 of the *Land Administration Act 1997* gives power to the Minister for Lands to reserve Crown land for the public interest
27. Section 51 of the *Land Administration Act 1997* gives power to the Minister for Lands to add lots to and change the purpose of a reserve.

28. Delegation 035 authorises the City of Albany for request the Minister for Lands to action Reserve requests, including adding land to or changing the purpose of an existing Reserve.

POLICY IMPLICATIONS

29. Refer to Environmental Considerations below in relation to potential implications to the City's Environmental Policy.

RISK IDENTIFICATION & MITIGATION

30. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: There is a risk of the loss of protection of environmental values on public land if the closure of the road reserve results in all land being disposed and amalgamated with adjoining private land.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Retaining portion of land incorporating environmental values with existing Reserve and changing purpose to Environmental Conservation.</i>
Opportunity: <i>To further to add natural reserves and protect environmental values</i>				

FINANCIAL IMPLICATIONS

31. The City of Albany has a fee schedule for road closure requests that cover the costs associated with the road closure process.

Regulatory Cost Implications:

32. There are no regulatory costs associated with this item.

LEGAL IMPLICATIONS

33. There are no legal implications relating to this item.

ENVIRONMENTAL CONSIDERATIONS

34. The vegetation on the eastern portion of road reserve proposed for addition to Reserve 12012 is identified as Karri Tall Open Forest as described in the Albany Regional Vegetation Survey 2010. This complements the vegetation found within Reserve 12012 and on surrounding adjacent private properties.
35. The City's Reserves team has expressed an interest in having this portion of road reserve vested as a Reserve for Environmental Conservation to preserve the vegetation on site and create a wildlife corridor with the adjoining Reserve 12012.
36. The proposal to add portion of the road reserve to adjoining Reserve 12012 and change the purpose from Parkland and Recreation to Environmental Conservation compliments the City's Strategic Community Plan, Environmental Policy, Climate Change Action Declaration and Local Planning Strategy, and other associated strategic documents and policies, in relation to conserving and enhancing the region's natural reserves and protecting environmental values.

ALTERNATE OPTIONS

37. Council may alternatively resolve to:
- Refuse the proposed road closure; or
 - Support the proposed road closure with modifications.

CONCLUSION

38. By supporting the officer’s recommendation, the road closure will:
- Allow the adjoining landowners to resolve a boundary issue by purchasing relevant portions of the road reserve, with the outcome a better reflection of the current use of these portions of the land; and
 - Provide the City with the opportunity to retain an area of identified remnant native vegetation, to preserve and protect its environmental values, and also ensure ongoing management through its incorporation into existing Reserve 12012 and subsequent amendment of the existing reserve’s purpose from Parkland and Recreation to Environmental Conservation.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i> <i>Albany Regional Vegetation Survey 2010</i> <i>City of Albany Environmental Policy</i> <i>Natural Reserves Strategy and Action Plan 2017-2021</i> <i>State Planning Policy No. 3.7: Planning in Bushfire Prone Areas</i> <i>Environmental Protection Act 1986</i>
File Number (Name of Ward)	:	RD.RDC.2 West Ward
Previous Reference	:	n/a

DIS315: 12-MONTH COMMERCIAL TRIAL OF HIREABLE ELECTRIC SCOOTERS

Land Description	:	City of Albany
Proponent	:	Beam Mobility Australia Pty Ltd (ACN 629 999 533) Bird Rides Australia Pty Ltd (ACN 628 452 399)
Business Entity Names	:	As above
Attachments	:	1. Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011 2. WALGA Electric Scooter Shared Services Discussion Paper 3. Confidential Attachments Under Separate Cover
Supplementary Information & Councillor Workstation	:	<ul style="list-style-type: none">• Copy of Application (Bird)• Copy of Application (Beam Mobility)• Elected Member Briefing Note• Beam Briefing Note• A Little About Beam• Beam Rider Research on Modal Transport• Bird Additional Information• Bird Local Government FAQ• Western Australian Police (Albany) Comment
Report Prepared By	:	Planning Officer – (D Ashboth)
Authorising Officer:	:	Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENTS

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** People
 - **Outcome:** A happy, healthy and resilient community
 - **Objective:** Improve access to sport, recreation and fitness facilities and programs
 - **Pillar:** Planet
 - **Outcome:** Shared responsibility for climate action.
 - **Objective:** Work towards net zero greenhouse gas emissions.
 - **Pillar:** Place
 - **Outcome:** A safe, sustainable and efficient transport network.
 - **Objective:** Encourage more people to use active transport.
3. The item relates to the following strategic objectives of the City of Albany Local Planning Strategy 2019 (the Planning Strategy).
 - Improve public transport, walking and cycling opportunities.

In Brief:

- The City has been separately approached by Beam Mobility and Bird Rides to undertake a 12-month commercial trial of hireable, shared electric scooters (e-scooters) within the City of Albany.
- The intent of committing for a one year trial ensures that the outcomes and impacts of operations can be evaluated before a decision is made around longer-term operations.
- Prior to deployment of e-scooters, the Permit Holder/s will deliver a public co-design and education session, in partnership with the City of Albany staff.
- City officers will have the ability to amend the e-scooter program throughout the operating period.
- It is recommended that Council resolve to ISSUE a notice of determination granting Bird Rides and Beam Mobility approval to operate a 12-month Commercial Trial of Hireable Electric Scooters under the *Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011 (ATPPTLL & LGPLL)*, subject to the conditions.

RECOMMENDATION

DIS315: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED with the following amendment:

THAT the 12-month commercial trial of hireable electric scooters point 14 be AMENDED to read as:

14. The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program.

Advice:

- *The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
- *Driveways, walkways and carparks shall not to be obstructed.*
- *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*

CARRIED 11-0

DIS315: AMENDMENT BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR STOCKS

THAT the 12-month commercial trial of hireable electric scooters point 14 be AMENDED to read as:

1. The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program.

Advice:

- *The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
- *Driveways, walkways and carparks shall not to be obstructed.*
- *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*

CARRIED 7-4

Record of Vote:

Against the Vote: Mayor Wellington, and Councillors Smith, Terry, Thomson

For the Vote: Councillors Brough, Stocks, Traill, Sutton, Baesjou, Benson-Lindholm, Brough

DIS315: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to AGREE to delegate to the CEO to issue permits to Beam Mobility and Bird Rides to operate a 12-month Commercial Trial of Hireable Electric Scooters under the Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011, subject to the following conditions:

Conditions:

1. Following the expiry of this permit all e-scooters and associated infrastructure shall be removed from public roads and any other public lands, unless otherwise agreed to in writing by the City of Albany.

Advice:

- *This permit is valid for a period of 12-months from the date of approval.*

2. The Permit Holder shall ensure no more than 200 hireable e-scooters per permit holder are operational within the City of Albany at all times.
3. Prior to deployment of e-scooters, the Permit Holder shall submit a complaints handling procedure to the City of Albany for approval. Following approval, the complaints management procedure shall be complied with to the satisfaction of the City of Albany.

The complaints handling procedure shall:

- Identify how the Permit Holder will respond to complaints and queries;
- Identify appropriate communication channels for complaints and queries and advise how this information will be made available to the public;
- Identify measures to limit complaints being directed to the City of Albany where the City is not the responsible authority; and
- Provide the City with directions for re-directing complaints to the Permit Holder, where appropriate.

4. The Permit Holder shall provide users with terms and conditions of use which promote responsible and legal use, public safety and good behaviour. The Permit Holder shall have systems in place to penalise user non-compliance with the terms and conditions.
5. Prior to deployment of e-scooters, the Permit Holder/s shall deliver a public co-design and education session, in partnership with the City of Albany staff. The co-design and education session shall:
 - i. Provide an on-ground community training session on safe e-scooter use;
 - ii. Capture community feedback on geofenced areas; and
 - iii. Inform a final e-scooter program

Advice:

- *Notice of co-design and education session shall be placed in the Albany Advertiser at least 3 days prior to the date of the session.*
- *The session shall be attended and developed by all Permit Holders, in consultation with the City of Albany staff.*

6. The Permit Holder shall work in collaboration with the City of Albany to undertake ongoing community training sessions.
7. Prior to deployment of e-scooters, an e-scooter program shall be submitted to the City of Albany for approval. Thereafter the e-scooter program shall be maintained and updated, to the satisfaction of the City of Albany.

Advice:

- *Permit Holders shall submit matching e-scooter programs.*
- *The e-scooter program shall indicate:*
 - *Operating areas*
 - *Slow zones*
 - *Parking and no parking zones*
 - *No ride zones*

- *The e-scooter program should address feedback from community members received during the co-design/education session.*
 - *The e-scooter program shall demonstrate compliance with the ATPPTLL & LGPLL.*
 - *The e-scooter program shall ensure e-scooters are only capable of operating on public land.*
 - *The approved e-scooter program shall be distributed to the Albany Police prior to deployment of e-scooters.*
8. The Permit Holder shall maintain geofencing to ensure operations are consistent with the e-scooter program at all times.
9. Permit Holders must adhere to any directives from the City of Albany to amend the e-scooter program and associated geofences. General modifications shall occur within 2 hours (120 minutes) of the initial request by the City of Albany, during business hours. Modifications required due to health and safety concerns shall occur within 30 minutes of the initial request by the City of Albany, during business hours.
10. The Permit Holder shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to any event, market, parade, thoroughfare works or amendments to the e-scooter program
11. The Permit Holder shall have systems in place to incentivise good e-scooter parking behaviour and penalise non-compliance. The Permit Holder will monitor for and ensure that e-scooters that have not been parked in an upright position or are leaning or resting on other street furniture, buildings or infrastructure, are promptly reparked and/or relocated.
12. The Permit Holder shall ensure all e-scooters are equipped with GPS trackers to enable e-scooters to be located at all times.
13. The Permit Holder shall monitor the locations of all e-scooters at all times to avoid nuisance, clutter or congestion being caused by e-scooters.
14. The Permit Holder shall ensure unused e-scooters are returned to the approved parking areas indicated within the e-scooter program.
- Advice:
- *The Permit Holders will use all reasonable endeavours to ensure e-scooters that are not returned to approved parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
 - *Driveways, walkways and carparks shall not be obstructed.*
15. The Permit Holder shall make it an operational priority to ensure a minimum 1800mm clearway for pedestrians is maintained on public walkways and thoroughfares, unobstructed by parked e-scooters at all times
16. The Permit Holder shall provide City of Albany staff and their representatives with the authority and ability to easily move or relocate e-scooters that are deemed to be in inappropriate locations without the need to contact the Permit Holder.
17. The City of Albany reserves the right to cancel the permit without compensation for reasons including, but not limited to:
- *Non-compliance with Activities on Thoroughfares and Public Places and Trading Local Law 2011;*
 - *Non-compliance with the conditions of this permit; or*
 - *Non-compliance with the approved Operational Plan.*
18. The Permit Holder must ensure all e-scooters are legal and safe to operate under Australia laws and regulations.
- Advice:
- *The Permit Holder must immediately disable faulty or damaged scooters when reported.*

19. Hireable electric scooters shall not be equipped with user operable audible alarms or air horn percussive signalling instruments.
20. The Permit Holder must ensure hireable e-scooters are not able to exceed the maximum speed limits prescribed under Western Australia Australian laws and regulations.
21. A public liability insurance policy of a minimum of \$20,000,000 is to be maintained at all times. The policy must cover any claim which arises as a result of the negligent act or omission of the permit holder.
22. Personal accident insurance coverage for each trip that the customers of the Permit Holders undertake shall be maintained at all times.
23. The Permit Holder shall indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holders business by the Permit Holder or any of the Permit Holders Agents, including:
 - Any claim made by any person for injury, direct and indirect loss or damage arising in any manner
 - Any direct or indirect loss or damage to any property belonging to the permit holder or other persons located in the vicinity of the Permitted Location caused by the Permit Holder or the Permit Holders Agents.
 - Any direct and indirect loss, damage, injury or illness of any type sustained by any person in relation to or as a result of the Permitted Activity.
24. Permit holders shall make good any damage caused and/or reimburse Council for any maintenance/repair costs that are caused by or in connection with Permit Holder's (or its agents) activity pursuant to the e-scooter scheme.
25. The Permit Holder shall grant the City of Albany with access to data through a custom dashboard or equivalent reporting methodology. The data shall include key metrics as agreed between the Permit Holder and the City.
26. The Permit Holder must provide a monthly report on the statistics of their operations. The report must be provided electronically by the 15th of every month and provide statistics of the preceding month. The report must include, but is not limited to:
 - A summary of trips undertaken in the reporting month including trip duration, trip distance, trip start and end point, trip start and end times and dates.
 - The number of customer feedback received and categorised. The report shall include, to the best of the permit operators ability the number and type of complaints reported by users, non-users, Government Agencies or any other sources. The report should include the average time taken to resolve complaints and by type.
 - Statistics on known incidents, collisions, near misses and injuries including information about date, time, contributing factors and severity. This data should be categorised by property damage only, minor injury, serious injury and fatality and a summary of the change to policy, requirements or procedures as a result of the above safety incidents.
27. The Permit Holder shall undertake rider surveys at appropriate intervals throughout the term of the permit to capture user feedback and demographic information.
28. The Permit Holder shall notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time to the City of Albany.
29. No advertising other than the logo or name of the Permit Holder, is permitted on the e-scooters, helmets or any associated infrastructure.

30. The Permit Holder shall provide, maintain and install signage, decals or similar identifiers to clearly indicate e-scooter parking areas, as directed by the City of Albany. Following conclusion of the trial, these should be removed at full cost of the Permit Holder, unless otherwise agreed to in writing by the City of Albany.
31. Prior to the commencement of operations, the Permit Holder must pay a permit fee of \$2500 for the administration of the Permit.

BACKGROUND

4. Over the past few years, micro mobility programs that mainly include e-scooters, have rapidly expanded within Australia and across the world. Within Western Australia, other local government's trialling these programs include the City of Stirling, City of Perth, City of Rockingham, City of Bunbury and the Shire of Esperance.
5. The City of Albany has been approached by two micromobility companies Bird Ride and Beam Mobility with a request to undertake a 12-month commercial trial of hireable, shared e-scooters within the City of Albany.
6. Bird Ride (Bird) is a micromobility company based in Santa Monica, California and predominately services the United States and European markets. Within Australia, Bird has e-scooters located in Hervey Bay, Bunbury and Sydney.
7. Beam Mobility (Beam) is based in Singapore and claims to be the largest provider of micromobility in the Asia Pacific Region. Beam currently operate in 18 Australian locations, including in Esperance, Bunbury and Rockingham.
8. E-scooters are deployed as part of these programs and made available for hire within a predetermined area, developed in consultation with the local government.
9. Micromobility companies use GPS and GSM technology referred to as Geofencing to delineate virtual boundaries and manage the behaviour of the e-scooters e.g. operational area, speed limits and parking /docking areas.
10. Users of e-scooter programmes locate, register, pay, unlock and lock e-scooters through a mobile phone app.
11. At the end of the journey, users do not need to physically lock the device with a conventional chain or return it to a designated station or rack. E-scooters are designed to be dockless, meaning the user can choose where to end their journey, provided the area is approved for e-scooter parking.
12. Operators of e-scooter shared services remotely monitor the battery life of the devices and employ people to collect the devices for recharging and redistribution.
13. Throughout the day, local employees are also responsible for relocating misplaced scooters and retrieving damaged scooters for repairs.
14. The daily operations cycle of e-scooters can be summarised as follows:
 - a. E-scooters are made available for riding at docking points. Once the e-scooters reach a low charge, a GPS signal automatically flags the scooter for charging.
 - b. Throughout the day, e-scooters with a low charge are collected by a local employee and relocated to a fleet charging and maintenance facility. E-scooters generally take 6-12 hours to fully charge. During charging e-scooters are cleaned and maintained.
 - c. Once the e-scooter has finished charging, the local employee redeploys scooters to deployment location to be made available for riding.
15. While initially designed for short trips, providing options for the 'last mile' and links to public transport, data suggests e-scooters deployed in regional areas are frequently used for longer trips, with average trips in comparable regional areas being approximately 3.5kms.
16. Within Western Australia, operators require permission from the relevant Local Government to operate an e-scooter shared service. Within the City of Albany, a permit is required under the Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011 (ATPPTLL & LGPLL).

DISCUSSION

17. A 12-month trial has been proposed in order to enable both the operators and the City of Albany to evaluate operations before deciding on a longer term commitment.
18. The City of Albany must determine the applications from both Bird and Beam Mobility to operate a 12-month commercial trial of a hireable e-scooter scheme under the *ATPPTLL & LGPLL*.
19. The City may have recourse to limit the number of e-scooter operators to one within a 12-month trial period should this be identified as the best way to proceed. However it would be difficult to separate the two operators as both have almost identical technologies, and both are willing to work with the City in determining appropriate parking and geo-fencing.
20. It is therefore recommended that the City approve the applications of both Bird and Beam Mobility to operate a 12-month commercial trial of a hireable e-scooter scheme under the *ATPPTLL & LGPLL*.
21. If the 12-month trial is a success, council can revisit the number of operators permitted within the City of Albany and make any necessary changes.
22. Operators have advised they have the ability to deploy e-scooters and commence operations in the City of Albany within 3 weeks of the date of approval.

Benefits to the City of Albany

23. E-scooters offer a modern, convenient mode of transport and provide an alternative mobility choice to users. They are readily accepted, easy to use and are valued for being able to transport people to destinations quicker than walking.
24. E-scooters also appeal to the local tourist market, providing a quick and convenient option for tourists to explore a particular area. They will also provide linkages between strategic locations, where walking may otherwise be impractical, such as between the foreshore and the CBD.
25. The use of e-scooters may also contribute to less pollution and greenhouse gas emissions, which is a key consideration given the importance assigned to sustainability and climate action within the City of Albany Strategic Community Plan 2032 and Climate Change Action Declaration.
26. In addition, e-scooters particularly appeal to office workers because they do not require movement of the body and the user stands upright preventing perspiration and wrinkling of clothing. They are also useful for women wearing skirts and dresses, which can be an issue on bicycles.

E-Scooter Program

27. Both operators have the capability to implement 'geo-fencing' before commencing their service. Geo-fencing refers to the use of GPS to create virtual designated areas to support a wider e-scooter program. These areas are shown on a map in the operator's mobile phone app.
28. Both Beam Mobility and Bird have offered to co-design the e-scooter programs in consultation with the City of Albany. This consultation will involve working collaboratively to establish:
 - Operating Areas – If riders try to leave the area, their scooter will cut out.
 - Slow Zones – vehicles speed will automatically be limited to a predetermined speed.
 - No Parking Zones – riders attempting to end their trip here will be unable to end their trip and instead, directed to the closest parking spot in the mobile application.
 - No Ride Zones – vehicles will temporarily stop working if they enter this area. Riders will be notified and can unlock the vehicle to ride out of the area. If they remain in the area, the vehicle will continue to lock.
 - Slow & No Parking Zones – combines both slow and no parking elements.
 - Parking Areas – either fixed parking areas or areas where riders are incentivised to leave vehicle through reward credits.
29. In order to ensure the City is satisfied with the e-scooter program, a condition requiring the program to be approved by the City of Albany prior to the commencement of operations is recommended.

30. This will allow the City of Albany to ensure WA Police and community feedback following co-design sessions have been sufficiently incorporated into the programs.
31. To ensure both operators deliver a service that meets community needs and aligns with Council objectives, it is recommended that the e-scooter program be the same for both operators.
32. The agreed e-scooter program will be monitored on an ongoing basis with amendments to the program required to be made within 2 hours (120 minutes) following request by the City. However, it is recommended that modifications required due to health and safety concerns occur within 30 minutes of the initial request by the City of Albany. This will allow responsiveness to both opportunities that are identified during the period (including one-off changes for festivals and events) as well as enabling community concerns to be resolved quickly should they arise.

Hardware

33. Specifications of the proposed e-scooters to be used by the operators, the Bird Three and the Beam Saturn X, are provided within the Councillor Workstation.
34. To ensure the safety of users, the permit holder must ensure all e-scooters are legal and safe to operate under Australia laws and regulations at all times. Faulty or damaged scooters must be disabled immediately.

Density Requirements

35. Both potential operators have requested a fleet of approximately 250 battery operated e-scooters within the City of Albany. However, this was on the basis of being the sole e-scooter operator.
36. Should council resolve to proceed with both operators, it is expected the number of permitted e-scooters per operator would be reduced to avoid clutter and congestion. In this case, it is recommended that operators be limited to 200 e-scooters each.
37. Both potential operators have confirmed this number would be both acceptable and commercially viable.

Speed

38. Within Western Australia, the speed of e-scooters is governed under State Government eRideables legislation, which established the following speed limits:
 - Footpaths: 10km/h or less
 - Bicycle paths and shared paths: 25km/h or less
 - Local roads with a speed limit of 50km/h or less: 25km/h or less
 - E-scooters not permitted on roads with a speed limit exceeding 50km/h.
39. Operators must ensure e-scooters are not able to exceed the maximum speed limits prescribed under eRideables legislation.
40. In addition to the requirements of the eRideables legislation, both potential operators have advised they are willing to work with the City of Albany to establish additional speed limits in key areas however; a balanced approach is required to identify speed limits that are both safe and practical.
41. Speed limits will be established within the e-scooter program, developed in consultation with the City of Albany, following the co-design session. Given the higher aged population within the City of Albany, consideration will be given to additional to the implementation of additional 'Slow Zones' in areas where there is a high mix of users.

Age limit of e-scooter user

42. Users must be at least 16 years of age to ride an e-scooter under State Government eRideables legislation
43. Beam have advised they will not hire scooters to anyone younger than 16 years of age, whilst Bird have advised they will not hire to anyone younger than 18 years of age.
44. Age restrictions will be implemented through age verification when signing up to the app.

Safety

45. As the number of e-scooter share services grow, the number of reported users sustaining injuries is increasing. There is limited reliable information regarding the number of injuries, however anecdotal feedback from other local governments indicates an increase in hospital visits due to e-scooter incidents.
46. Both operators have a number of measures in place to mitigate dangerous behaviour on e-scooters including:
 - Moving e-scooter deployment location away from pubs and clubs during evening hours;
 - Cognitive tests to ensure intoxicated people are unable to ride scooters (effectiveness unknown);
 - Ability to general public to report dangerous use of e-scooter;
 - Rider training and coaching initiatives (at the City of Albany request)
 - Ability to detect dangerous driving (such as hard braking, fast turning jumps etc.) through vehicles sensor technology and fine or suspend unsafe drivers following a third strike.
47. Where e-scooters are allowed to operate is an important consideration i.e. on footpaths, shared paths, on-road cycle lanes, local roads, shared spaces, and malls. As more people choose e-scooters as a preferred mode of transport, there may be increased risks to pedestrians. The City of Albany will need to work with e-scooter operators to identify conditions for an e-scooter shared service e.g. prohibition of use in particular areas/places i.e. exclusion zones.
48. Operators will be required to demonstrate they have adequate insurance cover for any injuries or damage that may result from the use of e-scooters.
49. A condition is recommended requiring permit holders to notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time to the City of Albany.

Insurance

50. In accordance with the *ATPPTLL & LGPLL* operators will be required to maintain public liability insurance. The sum required within the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* is \$10,000,000, however given the high-risk nature of the proposed activity, this sum is recommended to be increase to Twenty Million Dollars (\$20,000,000).
51. A condition is also proposed that requires the permit holder to maintain personal accident insurance coverage for each trip that the customers of the Permit Holders e-scooters undertake.
52. Operators have confirmed they have, or are willing to obtain, the above mentioned insurances.
53. Given the number of serious e-scooter injuries recently reported in Western Australia, it is considered appropriate to require the Permit Holder to indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holders business by the Permit Holder or any of the Permit Holders Agents.

Helmets

54. Regulation 209A (2) of the *Road Traffic Code 2000* states: A person shall not travel on a motorised scooter on a road or any path unless that person is wearing a protective helmet securely fastened on his or her head. Regulation 244 (2) of the *Road Traffic Code 2000* states: A person shall not drive a motor cycle unless — (a) that person is wearing securely on his or her head a protective helmet. There are no exemption from helmet legislation for e-scooter shared services.
55. Every e-scooter will have a helmet attached, and operators have different ways of ensuring helmet use, including requiring a 'helmet selfie' or ensuring helmet are removed from the smart-lock system before the scooter will operate. However, helmet use will ultimately be the responsibility of the individual as measures to ensure use are not foolproof.
56. The risk of helmets being inappropriately disposed of, and therefore e-scooters being available for hire without helmets being provided is mitigated by the requirement for riders to re-attach the helmet to the lock prior to the trip ending, i.e. riders will still get charged by the minute if they do not have the helmet lock reattached.

Damage and Vandalism

57. E-scooter vandalism is a commonly raised as a concern prior to e-scooter trials and risks can include defacing of e-scooters and e-scooters being thrown in inappropriate locations such as rubbish bins, water bodies and into trees. Despite operators enabling other users to report cases of vandalism to them given they have the ability to ban people from their platform; damage and vandalism of e-scooters will likely increase work for the local police.
58. Despite these immediate concerns, this issue did not seem to be frequently raised through consultation with other local government's trailing e-scooter programs. Despite vandalism being the primary issue during earlier trials, operator have now implemented a number of measures to mitigate this issue, including no-ride zones around waterbodies to prevent e-scooters being thrown in the water.
59. In addition, e-scooters are all fitted with GPS tracking which enables local employees to identify damaged or inappropriately located e-scooters for retrieval, repair (if necessary) and relocation back to parking areas. As a safeguard, e-scooters are immobilised in these instances (locked) and are temporarily rendered unusable. Operators may also be able to identify the person responsible for vandalism through a combination of GPS tracking and the mobile app.
60. In order to mitigate the dangers or unsightliness of e-scooter vandalism, a condition is recommended requiring the Permit Holder to monitor the locations of all e-scooters at all times to avoid nuisance, clutter or congestion caused by e-scooters.
61. It is also recommended that the Permit Holder provides City of Albany staff and their representatives with the authority and ability to easily move or relocate e-scooters that are deemed to be in inappropriate locations without the need to contact the Permit Holder. In addition to dangerously located e-scooters, this condition would also allow relocation for works and maintenance of City assets.

Parking

62. Parking areas are able to be controlled by the operator through geo-fencing. For example, when a user arrives in a designated parking area, the GPS software triggers a response notifying the user via the app they are at an appropriate parking location. If users fail to park their e-scooter inside the designated parking area, a notification will be received alerting the user to park in the designated zone or be penalised.
63. A key consideration for the City of Albany is whether to limit e-scooter parking to a number of specified docking areas, or allow more freedom for e-scooters to be docked at any location (excluding roads, carparks and private property) within the operating area.
64. Although allowing parking at any location would provide much more flexibility for the user, this may also increase the potential for clutter and the docking of scooters at inappropriate locations such as the middle of parks or across car parking bays.
65. A number of local governments have advised of issues with e-scooters being left across paths, however the operators offer a discounted fee for the next ride if e-scooters are returned to designated parking areas as an incentive.
66. The City of Rockingham has decided on fixed docking locations only, with trips unable to be ended outside of specified locations including the Rockingham Visitor Centre, Rockingham Arts Centre, CBD, Safety Bay, Palm Beach Jetty and Rockingham Aquatic Centre. This approach may discourage the use of e-scooters for purposes other than tourism and recreation; however, it would minimise clutter and instances of e-scooters being placed in inappropriate locations.
67. Permit holders will be required to obtain approval for designated e-scooter parking areas in accordance with the conditions of a permit. It is expected that the parking areas identified within the e-scooter program be informed by feedback from community members received during the co-design/education session and requirements of the *ATPPTLL & LGPLL*.
68. In order to ensure unobstructed pedestrian access through thoroughfares and verges, it is recommended that fixed parking locations are enforced during the initial 12-month trial period. The City can re-evaluate this position should an e-scooter program continue following the trial.

69. The City may request that the permit holder provide, maintain and install signage, decals or similar identifiers to clearly indicate approved e-scooter parking areas. Following conclusion of the trial, these should be removed at full cost of the Permit Holder, unless otherwise agreed to in writing by the City of Albany.
70. A condition is recommended requiring permit holders to use all reasonable endeavours to ensure e-scooters that are not returned to approved parking areas are collected and redistributed to approved parking areas within 1 hour.
71. The City has the ability to fine Permit Holders for any breaches of this requirements under the City's *ATPPTLL & LGPLL*, should non-compliance become a consistent issue.

Data

72. The City of Albany will be granted access to a centralised data point (dashboard) from each operator. This will include information on:
 - Trip origin and destination
 - Rider frequency
 - Total rides
 - Total hours riding
 - Kilometres travelled
 - Co2 emissions avoided
 - Average ride minuted
 - Average ride distance.
73. In addition to this dashboard access, it is recommended the City request a monthly report from each operator summarising trip data, customer feedback and complaints and statistics on incidents/accidents. This will help the City of Albany interpret the dashboard data and identify any issues that need immediately addressing.

Public Adverting

74. Both potential operators have advised of a willingness to co-design e-scooter programs with the City of Albany and the community to ensure the program aligns with community needs and Council objectives.
75. The requirement to deliver a community co-design and education session is recommended as a condition of planning consent. The session shall be attended and developed by all Permit Holders, in consultation with the City of Albany staff.
76. The co-design and education session will capture community feedback on geofencing and inform a final e-scooter program. It is recommended that City staff attend co-design sessions, with particular emphasis on working to ensure community feedback is accurately captured.
77. The co-design and education session will also provide an on-ground community training session on safe e-scooter use.
78. Notice of co-design and education session shall be placed in the Albany Advertiser at least 3 days prior to the date of the session. Officers are also working to develop a potential media release to announce the e-scooter trial and co-design and education sessions (if required).

WA Police (Albany)

79. The Albany branch of WA Police were invited to comment on the applications and any potential e-scooter program area.
80. WA Police have advised they have no comment to make on any potential e-scooter program area given their role would be to will be to enforce the law relating to the use of the scooters. They indicated that as long as there is compliance with the law Police should have little say on where e-scooters are used.
81. WA Police also noted the trail period, and the ability to address any issues with the program during this period.
82. The onus will be on the operators to ensure all e-scooters are legal and safe to operate and unable to exceed the maximum speed limits prescribed under Australian laws and regulations.

Cancellation of permit

83. To ensure permit holders operate in an appropriate manner throughout the duration of the trial, it is recommended that the City of Albany reserves the right to cancel the permit for any reason, including but not limited to:
- Non-compliance with *ATPPTLL & LGPLL*;
 - Non-compliance with conditions of permit;
 - No compliance with e-scooter program.

Permit costs

84. Despite there being no direct costs, the administration of the e-scooter program is expected to require staff to spend time on the scheme through things such as attendance at co-design and check in sessions, work in developing and amending geofencing and the e-scooter program, reviewing reports and responding to public enquires about the scheme.
85. In order to help re-coup some of the indirect cost of the e-scooter program to the City, a permit fee of \$2,500 per operator is recommended to be implemented as a condition of approval. The ability to charge a permit fee is provided for under 7.3(a) of the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* and under 3.4 of *Local Government Property Local Law 2011*. This amount is consistent with the about set by Council within the budget process.

GOVERNMENT & PUBLIC CONSULTATION

86. Approval is sought to proceed with a 12-month commercial trial of hireable e-scooters under the *ATPPTLL & LGPLL*.
87. If the Council resolves to support the 12-month commercial trial of hireable e-scooters, the permit holders will proceed with a community co-design and education session. This session will be designed to capture community feedback on geofencing and the e-scooter program.
88. A notice of the a community co-design and education session will be placed in a newspaper circulating the City of Albany at least 3 days prior to the date of the session.
89. Potential operators have provided a hardware trial and a briefing to Council and Executive Staff prior to this item being written.

STATUTORY IMPLICATIONS

90. The City may permit trading ;
In accordance with the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* and the *Local Government Property Local Law 2011*.
91. The operation and use of e-scooters must comply with WA Government eRideables legislation.
92. Voting requirements for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

93. There are no policy implications relating to granting permits to Bird Rides and Beam Mobility to operate a 12-month commercial trial of a hireable shared e-scooter program.

RISK IDENTIFICATION & MITIGATION

94. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community <i>Community members may be concerned that consultation did not occur prior to approval of a 12-month trial.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Community members will be involved in co-designing e-scooter program and determining appropriate geofencing.</i>
People Health and Safety <i>E-scooters have the potential to cause injury to users and pedestrians.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Permit holders will be required to hold appropriate public liability and personal accident insurance.</i> <i>The Permit holder will also be required to indemnify and release Council from all liability arising from or in connection with the e-scooter scheme.</i>
Operational <i>E-scooters may cause inconvenience through docking at inappropriate locations such as across carparks or access ways.</i> <i>Docked e-scooters may impact the amenity of public places through visual clutter.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Appropriate geofencing to be determined in consultation with the City and local community.</i> <i>Permit holders must implement amendments to geofencing within 30 minutes.</i> <i>The City has the ability to fine Permit Holders for any breaches of the ATPPTLL & LGPLL.</i>
Property <i>Damage to council property could occur as a result of e-scooter accidents or vandalism.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Permit holders will be required to make good any damage caused and/or reimburse Council for any maintenance/repair costs that are caused by or in connection with the e-scooter scheme.</i>
Opportunity: <i>Provides an environmentally friendly, active travel alternative to passenger vehicles with benefits to the local community and tourism industry.</i>				

FINANCIAL IMPLICATIONS

95. All costs associated with the e-scooter program will be borne by the operator.
96. It is anticipated that costs associated with staff time spent on the administration aspects when considering an e-scooter program would be recouped through permit fees.

LEGAL IMPLICATIONS

97. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal.
98. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

99. Growth in microbility and the use of e-ridables potentially leads to the overall reduction in the use carbon emitting vehicles for short trips.

ALTERNATE OPTIONS

100. Council has the following alternate options in relation to this item, which are:

- To resolve to refuse both permit applications subject to reasons;
- To resolve to refuse one permit application subject to reasons; and
- To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

CONCLUSION

101. The City has been separately approached by Beam Mobility and Bird to undertake a 12-month commercial trial of hireable, shared e-scooters within the City of Albany under the *ATPPTLL & LGPLL*.
102. The proposed e-scooter trial is seen as a positive offering to the City of Albany with the potential to benefit both the local community and the tourism industry.
103. The intent of committing for a one year trial ensures that the outcomes and impacts of operations can be evaluated before a decision is made around longer-term operations.
104. City officers will have the ability to amend the e-scooter program throughout the operating period.
105. It is recommended that Council resolve to ISSUE a notice of determination granting both Bird and Beam Mobility approval to operate a 12-month Commercial Trial of Hireable Electric Scooters under the *ATPPTLL & LGPLL*, subject to the conditions.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Activities on Thoroughfares and Public Places and Trading Local Law 2011</i> 2. Local Government Property Local Law 2011 3. WALGA – Electric Scooter Shared Services Discussion Paper 4. Road Traffic Code 2000 5. Road Safety Commission – eRideables rules
File Number (Name of Ward)	:	Various
Previous Reference	:	Elected member briefing note (July 2022)

DIS317: RUFUS STREET RECONSTRUCTION

Land Description	: Rufus Street, Milpara, Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Commercial in Confidence - Confidential Briefing Note under separate cover.
Report Prepared By	: Civil Infrastructure Contract Manager (A Henderson)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcomes:** 10: A safe, sustainable and efficient transport network.
 - **Objective:** 10.1: Improve road safety, connectivity and traffic flow.

In Brief:

- Tender award for the reconstruction of Rufus Street (SLK 0.00 – 0.62) from Albany Highway to Havoc Road and path construction from Albany Hwy to Adelaide Street.
- Two (2) complying tenders were received, with Tenderer A being the recommended contractor.
- Construction is expected to commence in October 2022 with completion in late March 2023.

RECOMMENDATION

DIS317: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: CONCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS317: AUTHORISING OFFICER RECOMMENDATION

THAT Council AWARD Contract C22013 – RUFUS STREET RECONSTRUCTION SLK 0.00 – 0.62 to the tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. Rufus Street is a local distributor road providing one of many links between Albany Highway and Chester Pass Road, as well as direct access to many residential properties.

3. The proposed work involves the upgrading of existing open drains to new piped drainage, road surface reconstruction from Albany Highway to Havoc Road and the installation of new kerb and footpath from Albany Highway to Adelaide Street. A major upgrade of the culvert servicing Willyung Creek will also be undertaken which will involve the renewal and realignment of the existing culvert to improve water flows during flood events.
4. Design and specification documentation was prepared by the City of Albany to the stage of 'Issued for Tender'.
5. The tender was open from 27th July 2022 to 23rd August 2022.

DISCUSSION

6. A total of twelve (12) tender documents were issued by City of Albany.
7. Two (2) complete tender documents were submitted on or before the stipulated closing date and time.
8. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	25%
Relevant Experience	20%
Key Personnel Skills and Experience	20%
Demonstrated Understanding	20%
Tenderers Resources	10%
Corporate Social Responsibility	5%
Total	100%

9. The following table summarises the tenderers and their weighted scores:

Tenderer	Weighted Score
Tenderer A	650.06
Tenderer B	538.27

GOVERNMENT & PUBLIC CONSULTATION

10. All relevant Government departments including DWER, Main Roads and Water Corporation have been consulted on the project.
11. A request for tenders was published in the West Australian on Wednesday 27th July 2022 and the Albany Advertiser on Thursday 28th July 2022.

STATUTORY IMPLICATIONS

12. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.
13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.

14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

15. Council’s Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

16. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety <i>A pedestrian accident occurs due to poor geometry, road condition and lack of dedicated pathway.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Upgrade road and install dedicated pathway as funding is available.</i>
Finance <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i>

FINANCIAL IMPLICATIONS

17. The value of this tender is in excess of \$500,000 and therefore approval is referred to Council for consideration.
18. More detailed information regarding the financial implications are contained in the Confidential Briefing Note.
19. Funding for this project has been received from Road Projects Grants, Western Australian Bicycle Network Funds, Roads to Recovery, Developer Contributions and municipal funds allocated in the 2022-2023 budget.

LEGAL IMPLICATIONS

20. There are no legal implications associated with this item.

ENVIRONMENTAL CONSIDERATIONS

21. The City has submitted a Bed & Banks Permit application and a clearing permit application with the Department of Water and Environmental Regulation. We are expecting these permits to be issued to the City prior to works commencing.
22. Clearing of any vegetation is expected to be minimal with any disturbed vegetation being offset by native riparian vegetation to the creek line or by the planting of street trees.
23. Existing trees and vegetation lining the verge will remain, where possible, as these create a natural buffer to nearby residents.

ALTERNATE OPTIONS

24. The options are:
- a. Council may elect to accept the recommended tender; or
 - b. Not approve any tender.

CONCLUSION

25. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to Tenderer A.

Consulted References	<ul style="list-style-type: none">• Local Government (Functions and General) Regulations 1995• Council Policy – Purchasing• Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	C22013 (West Ward)
Previous Reference	N/A

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil

12. MEETING CLOSED TO THE PUBLIC

DIS317	RUFUS STREET RECONSTRUCTION
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MOTION

**MOVED: DEPUTY MAYOR SMITH
SECONDED: COUNCILLOR STOCKS**

THAT the Council SUSPEND the Committee Meeting at 7.28pm to discuss item DIS317.

CARRIED 11-0

MOTION

**MOVED: DEPUTY MAYOR SMITH
SECONDED: COUNCILLOR STOCKS**

THAT the Council RESUME the Committee Meeting at 7.33pm.

CARRIED 11-0

13. CLOSURE The Chair declared the meeting closed **at 7.36pm**

(Unconfirmed Minutes)

Councillor Chris Thomson
CHAIR