



AGENDA

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

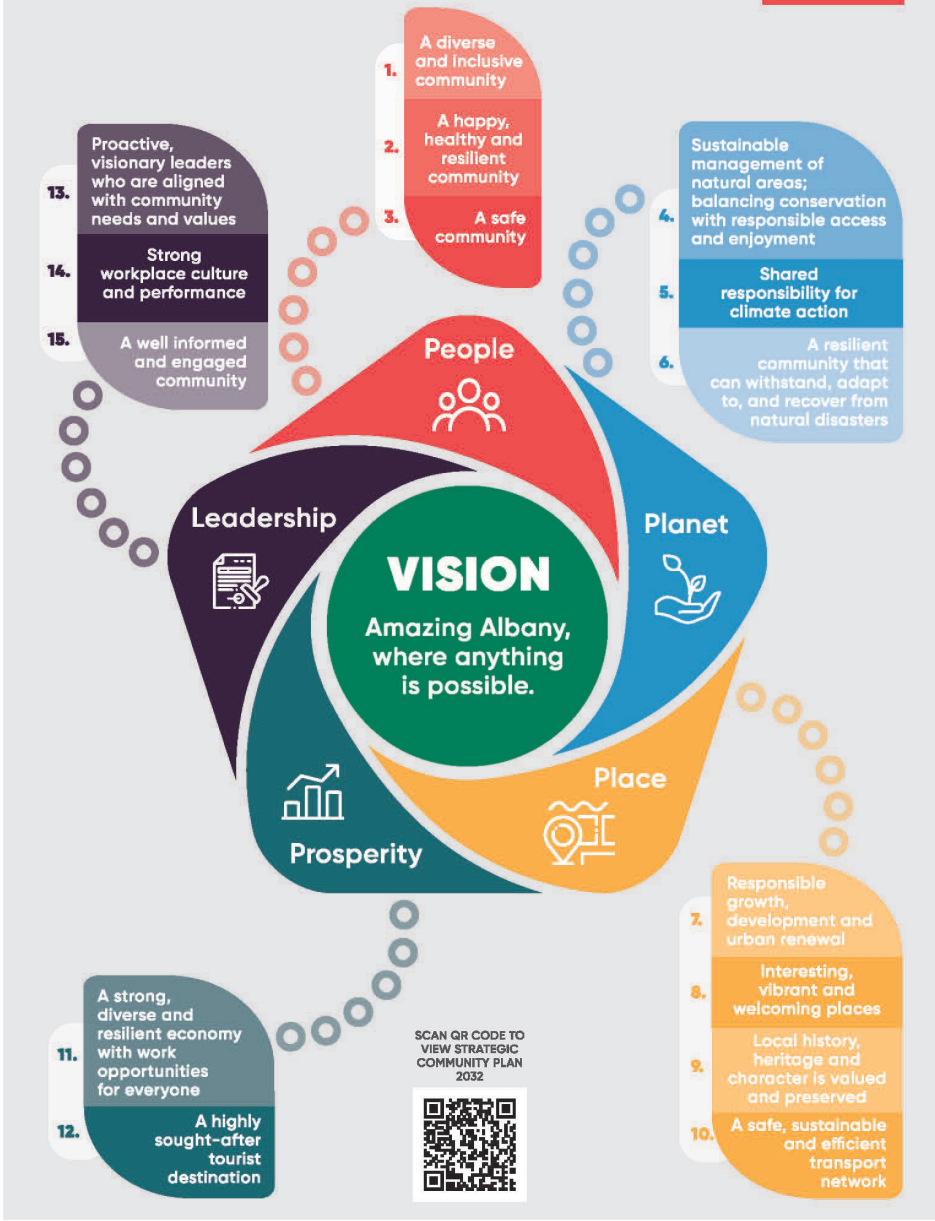
Wednesday 9 August 2023

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

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1. DECLARATION OF OPENING

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	R Sutton (Acting Chair)
Member	M Traill
Member	G Stocks
Member	T Brough
Member	J Shanhun
Member	D Baesjou
Member	A Cruse
Member	S Smith
Member	S Grimmer
Member	M Benson-Lidholm JP
Member	P Terry

Staff:

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Manager Planning and Building	J van der Mescht
Coordinator Planning Services	J Wardell-Johnson
Meeting Secretary	N Banyard

Apologies:

Member	C Thomson (Chair)
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4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE - Nil

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.*

7. PETITIONS AND DEPUTATIONS –

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 14 June 2023 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

DIS360: DRAFT LOCAL PLANNING POLICY 1.10 PERCENT FOR ART

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: 1. Final draft <i>Local Planning Policy 1.10: Percent for Art</i> 2. Percent for Art Developer's Guidelines
Supplementary Information & Councillor Workstation	: 1. City of Albany Public Art Local Planning Policy
Report Prepared By	: Planning Officer – (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcome:** Interesting, vibrant and welcoming places.

In Brief:

- Draft *Local Planning Policy 1.10: Percent for Art* (LPP1.10) was advertised for public comment in June 2023, following Council's endorsement to advertise at its meeting in May (DIS349).
- No submissions were received on draft LPP1.10 during the advertising period.
- Staff recommend Council resolve to adopt final draft LPP1.10, without modification (refer Attachment 1).

RECOMMENDATION

DIS360: AUTHORISING OFFICER RECOMMENDATION

That Council:

1. **ADOPT** Local Planning Policy 1.10: Percent for Art, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. **NOTE** Local Planning Policy 1.10: Percent for Art supersedes the existing Public Art local planning policy, and that this policy is to be revoked following notice being issued in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. Draft LPP1.10 was endorsed for advertising by Council at its May 2023 Ordinary Council Meeting.
3. The draft LPP1.10 is proposed to supersede the existing City of Albany *Public Art Local Planning Policy* and seeks to promote cultural identity through the introduction of developer funder public art works throughout the City of Albany.
4. The draft policy was prepared in collaboration with the City's Visual Arts Team who have also prepared the Percent for Art Developer Guidelines (Attachment 2) to accompany LPP1.10.
5. Refer to previous report item for further information and background on the draft policy.

DISCUSSION

6. Draft LPP1.10 was advertised for public comment in June 2023 via an advert in a local paper and published on the City’s website. No submissions were received during advertising.
7. No changes are proposed to the draft policy following close of advertising.
8. It is recommended that Council adopt *Local Planning Policy 1.10: Percent for Art* in its current form.

GOVERNMENT & PUBLIC CONSULTATION

9. The draft policy was advertised in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), for a period of 21 days.
10. Details of advertising as follows:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Local Paper	20/06/2023 – 11/07/2023	No submissions received	Yes
Consult	Public comment – City website	20/06/2023 – 11/07/2023		Yes

STATUTORY IMPLICATIONS

11. Voting requirement for this item is **SIMPLE MAJORITY**.
12. A periodic review of the City’s local planning policy (LPP) suite is currently underway.
13. Consideration of draft new LPPs and proposed modifications to existing LPPs require resolution of Council for endorsement to advertise and final adoption following advertising, subject to modifications, in accordance with the Planning Regulations.
14. Should Council resolve to adopt LPP1.10, a notice must be published in accordance with clause 87 of the Planning Regulations that advises of both the adoption of LPP1.10 and the subsequent revocation of the current Public Art policy, as it has been superseded by LPP1.10.

POLICY IMPLICATIONS

15. There are no policy implications relating to adopting draft LPP1.10.

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
Operational Not adopting draft LPP1.10 would result in the continued use of an existing policy that is no longer considered fit for purpose.	Almost Certain	Minor	High	Adopting the draft LPP1.10 pursuant to Schedule 2, clause 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Opportunity: Encourages art in the built environment to improve visual amenity and promote cultural identity.				

FINANCIAL IMPLICATIONS

17. There are no financial implications beyond what will be used for notice of adoption.

LEGAL IMPLICATIONS

18. There are no legal implications relating to adopting LPP1.10.

ENVIRONMENTAL CONSIDERATIONS

19. There are no environmental implications relating to adopting LPP1.10.

ALTERNATE OPTIONS

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

- To resolve to adopt the policy subject to modification; and
- To resolve not to proceed with adopting the local planning policy.

CONCLUSION

21. Based on the discussion above, staff recommend Council resolve to adopt *Local Planning Policy 1.10: Percent for Art* without modification.

22. Upon formal adoption of LPP1.10, a notice will be published in a local newspaper and on the City of Albany website advising of the adoption of LPP1.10 and subsequent revocation of the existing *Public Art Local Planning Policy*, in accordance with the Planning Regulations.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. <i>City of Albany Public Art Local Planning Policy</i> 4. <i>Draft City of Albany Percent for Art Developers Guidelines</i>
File Number (Name of Ward)	:	All
Previous Reference	:	DIS349

DIS361: EXTENSION TO 12-MONTH COMMERCIAL TRIAL OF HIREABLE ELECTRIC SCOOTERS

Land Description	: City of Albany
Proponent / Owner	: Beam Mobility Australia Pty Ltd (ACN 629 999 533) Bird Rides Australia Pty Ltd (ACN 628 452 399)
Business Entity Name	: As above
Attachments	: 1. Activities on Thoroughfares and Public Places and Trading Local Law 2011 2. Local Government Property Local Law 2011
Supplementary Information & Councillor Workstation	: 1. Permit to Operate 12-month Commercial Trial of Hireable Electric Scooters: Bird Rides 2. Permit to Operate 12-month Commercial Trial of Hireable Electric Scooters: Beam Mobility 3. DIS315:12-month Commercial Trial of Hireable Electric Scooters
Report Prepared By	: Planning Officer – (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. 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.
2. 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:

3. Council resolved to issue a notice of determination granting Bird Rides and Beam Mobility approval to operate a 12-month Commercial Trial of Hireable Electric Scooters at its September 2022 Ordinary Council meeting.
4. A conditional permit was subsequently issued to both Bird Rides and Beam Mobility on 11 October 2022 and is due to expire on 28 October 2023.
5. Extending the permit's duration ensures that the outcomes and implications of the scooter programme can be thoroughly reviewed over two summer vacation/main tourist periods before deciding on a longer-term arrangement.

6. Staff recommends that the permit to run an e-scooter programme be extended until 28 April 2024, and that a formal decision on long-term operations be deferred until the March 2024 Ordinary Council Meeting.

RECOMMENDATION

DIS361: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- a) **AGREE to extend the conditional permits issued to both Beam Mobility and Bird Rides until 28 April 2024 subject to payment of permit extension fees at a rate of \$2500 per annum (pro rata) for the administration of the permit.**
- b) **NOTE that a formal decision on the long-term operation of the e-scooter program be deferred until the March 2024 Ordinary Council Meeting.**

BACKGROUND

7. Council resolved 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* at its September 2022 Ordinary Council meeting.
8. A conditional permit was subsequently issued to both Bird Rides and Beam Mobility on 11 October 2022 and is due to expire on 28 October 2023.
9. Refer to previous report item (DIS315) for further information and background on the e-scooter program.

DISCUSSION

10. The conditional permit to operate a 12-month commercial trial of hireable electric scooters issued to both Bird Rides and Beam Mobility on 11 October 2022 and is due to expire on 28 October 2023.
11. Both Bird Rides and Beam Mobility have confirmed they wish to continue their operations in the City of Albany once the current permit expires.
12. Following expiry of the permit, council must decide on the future of the e-scooter program in the City of Albany.
13. It is noted that the caretaker period commences on 14 September 2023 which may limit Council's ability to make a decision on the long-term future of the e-scooter program at the September or October Ordinary Council Meetings.
14. The City has received a number of community complaints relating to the e-scooter program with complaints recorded in a nominated complaints register.
15. Although complaints cover a wide variety of issues, the most common complaint involves the inappropriate parking of e-scooters (blocking footpaths, driveways etc.) and associated visual pollution.
16. A number of measures were subsequently put in place by operators to improve e-scooter parking outcomes including:
- i. Reducing the extent of operating areas;
 - ii. Increasing the number of staff allocated to e-scooter collection and maintenance
 - iii. Introduced fines for inappropriately parked e-scooters (i.e. blocking footpaths).
17. These measures appear to be working as complaints regarding inappropriate parking of e-scooters have reduced significantly. However, the reduction in the number of complaints also coincides with the quieter winter period.

18. Extending the permit will allow council to fully understand the impact and effectiveness of these changes over the peak summer period before making a decision on the future of the e-scooter program in Albany.
19. Any decision on the longer-term future of the e-scooter program is complex and would require consideration be given to various aspects of the current e-scooter program and e-scooters more generally. Issues for considerations may include:
 - Should e-scooter program continue in the City of Albany, either temporarily or permanently?
 - Are current permit conditions appropriate?
 - Is the current dual operator model working and in the best interest of the City?
 - Should the City continue with existing operators or seek interest from alternative operators?
20. Officers have begun research and drafting of evaluation criteria, as well as a potential community survey, to aid in the evaluation of the scooter programme in the City of Albany. It is anticipated that the survey could be rolled out in the early summer months to provide time to analyse and inform a report to Council.
21. Officers may also directly consult Albany Health Campus, WAPOL, accommodation providers along with disability and seniors' groups.
22. Additional time will enable officers to provide a better-informed recommendation to Council.
23. It is therefore recommended that the conditional permits issued to both Beam Mobility and Bird Rides be extended until 28 April 2024 with a formal decision on the continued operation of the e-scooter program deferred until the March 2024 Ordinary Council Meeting.

Permit fees

24. Operators are each charged permit fee of \$2500 for the administration of the permit.
25. The operation of the e-scooter program requires a significant amount of officer time which is allocated to things such as:
 - Regular face to face meetings with operators
 - Responding to complaints/feedback from community members
 - Ongoing maintenance of geofences and operating areas
 - Enforcement of permit conditions.
26. It is therefore recommended that any extension of the conditional permits issued to both Beam Mobility and Bird Rides will be subject to payment of permit extension fees at a rate of \$2500 per annum (pro rata) for the administration of the permit) (approximately \$1250.

GOVERNMENT & PUBLIC CONSULTATION

27. No public or government consultation has occurred since the commencement of the 12-month trial period on 11 October 2022.

STATUTORY IMPLICATIONS

28. The City may permit trading on thoroughfares and public places through issue under under 6.3(1) of the *Activities on Thoroughfares and Public Places and Trading Local Law 2011*.
29. The operation and use of e-scooters must comply with WA Government eRideables legislation.
30. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

31. There are no policy implications relating to granting extensions to the permits issued to Bird Rides and Beam Mobility to operate a commercial trial of a hireable shared e-scooter program.

RISK IDENTIFICATION & MITIGATION

32. 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 feel aggrieved if the 12-month trial period is extended without consultation.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Extending the permits until April 2024 will allow targeted and community consultation to occur prior to any formal decision on the future of the e-scooter program in Albany following the trial.</i>
Opportunity: <i>Extending the duration of the current permit will allow officers to commence a formal review of the program to date and inform a recommendation to Council at the March 2024 OCM.</i>				

FINANCIAL IMPLICATIONS

33. All costs associated with the e-scooter program will be borne by the operator.
34. Cost of staff time allocated to administration of the permits can be substantially recouped through permit fees.

LEGAL IMPLICATIONS

35. There are no legal implications relating to extending the duration of the trial.
36. Should Council decide against extending the duration of the trial, operators (both current and new) may lodge new applications for provision of e-scooter services following expiration of the current permits.

ENVIRONMENTAL CONSIDERATIONS

37. Growth in micro mobility and the use of e-rideables potentially leads to the overall reduction in the use of carbon emitting vehicles for short trips.

ALTERNATE OPTIONS

38. Council has the following alternate options in relation to this item, which are:
- To resolve to extend the conditional permits issued to Beam Mobility and Bird Rides until 28 April 2024.
 - To resolve not to extend the conditional permits issued to Beam Mobility and Bird Rides.

CONCLUSION

39. The conditional permits to operate a 12-month Commercial Trial of Hireable Electric Scooters issued to both Bird Rides and Beam Mobility are due to expire on 28 October 2023.
40. Extending the duration of the permit will ensure that the outcomes and impacts of operations can be properly evaluated over two summer holiday periods before a decision is made around longer-term operations.
41. It is recommended that Council resolve to extent conditional permits issued to both Beam Mobility and Bird Rides until 28 April 2024 with a formal decision on the continued operation of the e-scooter program deferred until the March 2024 Ordinary Council Meeting.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Activities on Thoroughfares and Public Places and Trading Local Law 2011</i> 2. <i>Local Government Property Local Law 2011.</i> 3. WALGA – Electric Scooter Shared Services Discussion Paper 4. Road Traffic Code 2000 5. Road Safety Commission – eRideables rules
File Number (Name of Ward)	:	All
Previous Reference	:	DIS315

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 13. CLOSURE**