

PERMIT

ON STREET ACTIVITIES PERMIT

Pursuant to the provisions of section 222 of the *Local Government Act 1999 (SA)*, the Permit for the On-Street Activity described hereunder is hereby granted.

DESCRIPTION OF PERMITTED ACTIVITY	PERMIT NUMBER
Permitted Activity: Operation of a commercial shared e-scooter scheme Permitted Location: Within the City of Adelaide and as defined in the Minister's Gazette Notice. Maximum number of e-scooters is set out in this Permit 24-hour contact number: (to be published on Councils websites and each e-scooter deployed in the Permitted Location) «Proponent Contact»	«Licence_Number»

Expiry Date: 31 January 2022

This Permit is issued for a period of **two (2) years** (or part thereof) and concludes on **31 January 2022** (the 'Expiry Date').

The permit is subject to the Minister's Gazette Notice allowing for the operation of e-scooters in the area's defined in the notice

1. PERMIT GENERAL CONDITIONS

The Permit Holder (shared e-scooter operator) must:

- 1.1. This permit may be suspended or revoked by the City of Adelaide, or the term and/or conditions of the permit may be altered by the City of Adelaide, for any reason.
- 1.2. Make good any damage caused and/or reimburse Council for any or maintenance costs that caused by or in connection with the operation of the Permitted Activity.
- 1.3. Maintain at all times during the Term of this Permit public liability insurance for the sum of Twenty Million Dollars (\$20,000,000.00) in respect of any one claim which arises as a result of the negligent act or omission of the Permit Holder. The Permit Holder will provide Council with an insurance Certificate of Currency which notes the interests of all Council in relation to the Permit. Council must be notified immediately if the policy is cancelled or altered or allowed to lapse.
- 1.4. Maintain at all times personal accident insurance coverage for each trip that the customers of the Permit Holder's e-scooter undertake. The Permit Holder will provide Council with an insurance Certificate of Currency and provide information of the policy and its coverage on the Permit Holder's website and mobile phone application for the duration of the Permit.
- 1.5. Indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holder's business by the Permit Holder or any of the Permit Holder's agents, including:
 - 1.5.1. Any claim made by any person for injury, direct and indirect loss or damage arising in any manner
 - 1.5.2. Any direct and 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 Holder's agents.

- 1.5.3. 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.
- 1.6. Remove all e-scooters from the public road and any other public land on the expiry of this Permit.

The Permit Holder agrees to the following:

- 1.7. This Permit can be cancelled, suspended or modified by Council at any time by written notice to the Permit Holder and no compensation will be offered to the Permit Holder.
- 1.8. This Permit is non-transferable without the prior written consent of the Council, which may be granted or withheld in the Council's absolute discretion. The Permit Holder cannot transfer this Permit or, subcontract or assign any right or obligation under it unless consented by Council and is subject to 1.9 and 1.10.
- 1.9. With any application for such consent, the Permit Holder must provide all information required by the Council, including evidence that the proposed transferee, assignee or sub-contractor is capable of performing the Permitted Activity to be transferred, assigned or sub-contracted.
- 1.10. Unless otherwise agreed in writing by the Council, no such transfer, assignment or sub-contract relieves the Permit Holder from any liability under this Permit or at law in respect of the performance or purported performance of this Permit. The Permit Holder is responsible for the acts and omissions of any transferee, assignee or sub-contractor or any transferee's, assignee's or sub-contractor's employees and agents as if they were the acts or omissions of the Permit Holder.

2. Customer experience and education

The Permit Holder (shared e-scooter operator) must:

- 2.1. Provide 24/7 communication channels for users, including a clearly advertised telephone number on their e-scooter, website, app and devices.
- 2.2. Have a complaint handling process and a clear plan in place to respond to queries and complaints.
- 2.3. As directed by the South Australian Police (SAPOL), Department of Planning, Transport and Infrastructure (DPTI) and/or Council, provide e-scooter users with information regarding rules and regulations specific to South Australia to ensure responsible riding and public safety when operating and parking the shared e-scooters on roads, footpaths, shared use paths and public spaces.
- 2.4. Provide terms and conditions of use which promote responsible and legal use, public safety and good behaviour. The Permit Holder is to have systems in place to incentivise good parking behaviour and penalise user non-compliance.
- 2.5. Undertake e-scooter awareness campaigns as directed by SAPOL, DPTI and/or Council to increase awareness of the applicable laws and rules to increase user compliance.

3. E-scooter product, operations and performance

The Permit Holder (shared e-scooter operator) must:

- 3.1. Not use e-scooters for the primary purpose of advertising or marketing.
- 3.2. Not allow the number of e-scooters in operation or parked within the boundaries of the Permit to exceed the maximum permitted by Council.
- 3.3. Ensure that e-scooters are not equipped with active audible alarms.

- 3.4. Equip all e-scooters with a GPS tracker to enable all e-scooters to be located by the Permit Holder at all times, to ensure and monitor balanced and appropriate distribution of e-scooters and enable the identification of e-scooter users in the event of an accident, incident or inappropriate use.
- 3.5. Provide Council with real-time information on the entire fleet through a documented application program interface (API). The data to be published to Council's API should include the following information in real-time for every parked device: identification number, GPS coordinate, availability start date, available start time, power level, date of last service, time to next service, service status.
- 3.6. Provide information to the General Bikeshare Feed Specification (GBFS), an open data standard for shared mobility. GBFS makes real-time data feeds publicly available online in a uniform format so that map and transportation-based apps can easily incorporate this data into their platforms. Council reserves the right to display information about the operators on its website and may release this data to the Department of Planning, Transport and Infrastructure or its agents and representatives, for their use including to integrate into Adelaide Metro's MetroMATE mobile app.
- 3.7. Provide Council and its 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.
- 3.8. Monitor the location of all e-scooters at all times to avoid nuisance, clutter or congestion caused by its e-scooters, including the ability for the Permit Holder to identify if an e-scooter has been fallen over.
- 3.9. Only allow their e-scooter fleet to operate within approved areas and as outlined in the Minister's approved Gazetted area.
- 3.10. Ensure that e-scooters cannot be operated within any exclusion area, including temporary event exclusion areas, as directed by Council.
- 3.11. Ensure that e-scooter devices meet the requirements of the Ministers Gazette Notice, including speed restrictions.
- 3.12. Ensure that all e-scooters are legal and safe to operate under Australian laws and regulations.

4. Notification, response timeframe and compliance requirements

The Permit Holder (shared e-scooter operator) must:

- 4.1. 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.
- 4.2. Immediately disable faulty or damaged scooters when reported.
- 4.3. Respond to and resolve issues within the following response time:

ISSUE	EXAMPLES (without limitations)	RESPONSE TIME
Dangerously located	Hanging from a tree On a median strip	Within 30 minutes
Impeding access	Impeding property access or parked across pedestrian kerb ramp	Within 1 hour
Fallen over e-scooter	Not parked in a standing position	Within 3 hours

Inappropriate density or outside geofence area	Cluster and breaching density limits	Within 3 hours
Damaged, faulty or abandoned	Missing Wheels	Within 24 hours
Inappropriately located	Parked on turfed areas of Park Lands and Squares	Within 24 hours
Unused	Unused for more than 3 days	Within 24 hours

Penalties for breaches and offences may be issued by the relevant authority.

- 4.4. Ensure e-scooters remain in a safe and presentable condition so as not to detract from the amenity of the area in which they are parked.
- 4.5. Adhere to the directions of Council or any of its representatives and relocate any e-scooters that are not suitably parked or may create a nuisance.
- 4.6. Notify Council within 2 business days of any media activity or requests associated with the operation of this Permit.

5. Safe e-scooter parking

The Permit Holder (shared e-scooter operator) must:

- 5.1. Not cause disruption or nuisance and must ensure that their e-scooters do not compromise or have a negative impact on other street users, including people with a disability. E-scooters must not be parked or allowed to remain on or in inappropriate locations such are:
 - 5.1.1. Where an e-scooter poses a safety hazard;
 - 5.1.2. Where they could interfere with pedestrian access generally or access to amenities;
 - 5.1.3. Within the area defined as a bus zone with associated traffic control signage.
- 5.2. Educate users of preferred or restricted parking zones as advised by Council.
- 5.3. Ensure that when e-scooters are parked near public bike racks, the designated racks are left available for parking bicycles.
- 5.4. Ensure that in other areas, e-scooters should be parked on wide footpaths, in low pedestrian locations, and positioned kerbside away from the building line.
- 5.5. Ensure that e-scooters are setback from entrances, safety exits and street infrastructure such as seating, fire hydrants and tactile indicators.
- 5.6. Ensure that e-scooters are parked in an upright position and not leaning or resting on other street furniture, buildings or infrastructure.
- 5.7. Have methods to implement and enforce preferred parking and exclusions zones. All preferred parking and exclusions zones set by Council must be displayed and detailed on the Permit Holder's application and service maps. Council may determine the location of parking and exclusion zones at any time within the Permit Term.

6. Deployment and density requirements

The Permit Holder (shared e-scooter operator) must:

- 6.1. Not exceed the maximum number of e-scooter specified in this Permit.
- 6.2. Monitor the location of all e-scooters daily and collect e-scooters when required avoid clutter or clustering of e-scooters in any one location and adhere to the fleet size and density limits set by Council.

The maximum number of e-scooters permitted may be amended at any time at the discretion of Council. If the maximum number of e-scooters is decreased, Council will provide the Permit Holder notification of the decrease no less than 5 business days prior to the amendment being implemented. Council may increase the maximum permitted e-scooter fleet at any time and may specify a timeframe for the increase.

Council, at its discretion, may temporarily increase the maximum number of deployed e-scooters permitted for major events, activities, disruptions or periods to facilitate the transportation of patrons and users within a specific region. Permit Holders will be notified of any temporary increase a minimum of 5 business days prior to the increase being implemented.

Maximum Density

DESCRIPTION	Value
Maximum number of deployed e-scooters (daily) per operator:	
Adelaide	500 e-scooters
North Adelaide	300 e-scooters
Maximum density of e-scooters	1400 e-scooters
Adelaide	1,000 e-scooters
North Adelaide	500 e-scooters
- Adelaide Oval (within 500m) event days only	500 e-scooter

7. Reporting and data sharing

The Permit Holder (shared e-scooter operator) must:

- 7.1. Provide Council access to live API access points for trips and vehicle status (including all required fields) in the Mobility Data Specification (MDS) Provider API format
- 7.2. Provide access to MDS Provider API to third party organizations as directed by Council.
- 7.3. Provide a monthly report on the statistics on their operations. The report is to be provided outlining the data collected and analysed for each calendar month. The report must be provided electronically by the 15th day of the next subsequent month. Each monthly report must include, but is not limited to:
 - 7.3.1. An overview of data provided in the MDS Provider API.
 - 7.3.2. If the E-scooter boundary is expanded across multiple Council boundaries, a overview of data provided in the MDS Provider API for each specific region.
 - 7.3.3. Details and breakdown on e-scooter use and management during major events.
 - 7.3.4. The number of customer feedback received and categorised. The report shall include the number and type of complaints reported by users, non-users, Councils, Government Agencies or any other sources. The report should include the average time taken to resolve complaints and by type.
 - 7.3.5. The statistics on known incidents, collisions, near misses and injuries including information about the date, time, contributing factors and severity. Data is to be consistent with the metric system used in Australia. Reports to include: total number of reported and/or observed crashes and collisions, total number of reported injuries categorised by property damage only, minor injury, serious injury and fatality, total number of third-party injuries (i.e.

pedestrian collisions) 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. The report shall also include the number of categorised incidents for the month, calendar year and total since the commencement of the Permit.

- 7.3.6. An overview of the average life of scooters and percentage/count lost to vandalism vs. normal depreciation.
- 7.3.7. Carbon emission reporting including the estimated total kWh consumed to charge the e-scooter fleet for the period and the number of kilometres travelled by the Permit Holder vehicles and whether those vehicles were internal-combustion vs. electric
- 7.3.8. Any data available that is relevant to ride quality and braking coefficients if requested.
- 7.4. Provide access to any user surveys and responses undertaken, or surveys that the Permit Holder is a participant to. This data must be in an anonymized format, including removal of email addresses or unique user identifiers.
- 7.5. Provide anonymised data collected to Council to assist with ongoing network planning and facility improvements. Data spreadsheet (in excel and/or other agreed format) containing information on all trips undertaken in the reporting month including, but not limited to:

	Format	Description
Company Name	[company name]	n/a
Type of bicycle or e-scooter	“Standard” or “Electric”	n/a
Trip record number	Xxx00001, xxx00002, xxx00003, ...	3-letter company acronym+ consecutive trip #
User Demographic data (aggregated format only)		For example, country of origin, gender and age (if collected).
Trip duration	MM:SS	n/a
Trip distance	KM	n/a
Trip waypoints to track the route (at least every minute)	An XML file format to be agreed	n/a
Start date	MM, DD, YYYY	n/a
Start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
Start location	GPS location	n/a
End location	GPS location	n/a

8. Exclusions areas

The Permit Holder (e-scooter share operator) must:

- 8.1. Geofence areas to ensure that e-scooters can only be used in the approved areas outlined in this Permit. Permit holders must adhere to any initial or subsequent directions for short term and permanent geofencing made by Council.
- 8.2. Prohibit e-scooters from being ridden or parked in any area nominated by Council, including temporary geofenced exclusion areas for special events.

9. Preferred parking

The Permit Holder (e-scooter share operator) must:

- 9.1. Provide preferred parking areas if and as directed by Council. The format and layout of these parking areas will be determined by Council in consultation with the Permit Holder.

Permit Holder Fees

That a Permit Fee of **\$1,530 AUD per week (GST exempt)** is applicable for the Permit. This Permit Fee is invoiced prior to the commencement of the Permit and charged monthly in advance. Council from time to time may amend, alter, revoke or change the fee structure, including fees applicable to this Permit. The Permit Holder will be notified in writing if there are any changes to the fees for this permit.