Assessment criteria for a rental micromobility scheme licence application

The table below lists the criteria in clause 10 and 11 of the Auckland Council's Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Public Trading, Events and Filming Bylaw 2022 (**Council's bylaw**); and Auckland Transport's Activities in the Road Corridor Bylaw (**AT's bylaw**), (together the bylaws) that Auckland Council and Auckland Transport may consider when determining whether to grant a licence.

Clause 10 of Council's bylaw provides that Council may require an application for an approval to include information on one or more of the matters listed at clause 10(2) of the bylaw. Clause 11 of the Council's bylaw provides that when considering an application for an approval, the Council will have regard to any matter it considers relevant and reasonably necessary to determine the application and it will have particular regard to any controls made under clause 8 of Council's bylaw. For the purposes of micromobility approvals the relevant controls include Council's Trading and Events in Public Places Guidelines 2015. Council may also consider any of the relevant matters identified in clause 11(2) of the Council's bylaw and Clause 7 of AT's bylaw. The relevant assessment criteria from the bylaws and guidelines is contained in the below table. The table also sets out the relevant requirements contained in the Rental Micromobility Code of Practice.

The **New Mobility Principles Document** which supports the Auckland Plan 2050 (AP2050), will also be considered in assessing a rental e-scooter licence application.

A condition of any licence granted will be compliance with the code of practice and so an applicant's potential to meet the requirements of the code of practice forms part of the relevant assessment criteria.

Please indicate, in the second column (or in a separate document), your comments on how you consider that the application meets the assessment criteria. Note – Where relevant, comment must be provided for each type of device included within the application, e.g., e-scooter and e-bike.

Assessment criteria	Comments on application
Relevant criteria in Council's bylaw	
11(2)(a) location (including multiple sites), nature, scale, frequency and duration of the activity.	
11(2)(c) actual or potential impact of the activity on the public, council-controlled public places and surrounding environment; (iv) obstruction or hazards to pedestrian or vehicular visibility, access or flow; (v) obstruction of access by emergency, maintenance or utility services;	
11(2)(d) how any actual or potential impacts may be mitigated, for example through waste management and minimisation, traffic management, safety and risk management, adverse weather, emergency, customer conduct plans.	
Relevant assessment criteria in guidelines	
Pedestrian access and safety	
what, if any, will the potential impact be on pedestrian and vehicular traffic flow and safety	
whether the activity is likely to cause obstructions and / or disrupt ease of access	

2

Relevant assessment criteria in guidelines	
Health and safety, waste, traffic and queue management issues	
whether the operator has taken into consideration health and safety issues (i.e., access and mobility; how they will minimise harm) and how they will mitigate these	
whether they will have adequate waste, traffic and queue management strategies in place	
whether they have identified possible constraints on the capacity of available parking in the area and/or pedestrian traffic and general traffic access	
Relevant requirements in code of practice	
Termination 1(b). The operator must provide a plan for how its operation will be terminated (including the collection of all its equipment) if it no longer chooses to operate or if its licence to operate is suspended or revoked.	

3

Relevant requirements in code of practice	

Safety and risk management plan
 	
1(c)The operator must confirm they have and provide a copy of a safety and risk management plan, which includes but is not limited to:
 	
i. **Ensuring that all electronic hardware, software and firmware is fit for purpose and checked against appropriate standards.**
 	
In the absence of specific standards for micromobility, operators are required to
 	
    • identify and use standards or sections of a standard from other industries which can be adopted and / or modified to ensure that they have assessed and mitigated the safety risk to people using micromobility devices.
 	
    And/or
 	
    • have a demonstrated risk management process: operators must demonstrate how they have assessed and mitigated the safety risk to people using micromobility devices.
 	
ii. **Details relating to the proactive identification, investigation and mitigation of potential faults.**
 	
For e-scooters, this includes but is not limited to when the following conditions are present:
 	
i. If the e-scooter angle is less than 30° (down event) and
 	
ii. the speed reduces to zero after the down event and
 	
iii. no brakes were applied immediately prior to the down event, e.g., within 2 seconds prior to the down event.	

4

Relevant requirements in code of practice	
iii. **Maintenance processes**, which includes defect identification, rectification, and prevention, as well as detailing whether maintenance will be carried out weekly or within a timeframe according to manufacturer's specifications. iv. **Operational management plan** that considers the use of micromobility devices on roads, footpaths and bicycle lanes and has mitigation measures in place to minimise any risk to users, pedestrians, vulnerable persons, and other road users v. **Investigation processes**: Operators shall demonstrate how they will use their adopted standards and/or risk management process as part of an accident investigation to understand potential contributing factors and to show the steps to mitigate.	
1(d). If the operator has previously operated or is operating in other jurisdictions, information on prior performance in these areas must be provided.	
Deployment and rebalancing 1(h). The operator must advise: • The number of micromobility devices they intend to deploy per tier. • The suburbs within each tier in which they intend to deploy. • How micromobility devices will be charged and deployed.	

Version 1.0

Relevant requirements in code of practice	
1(i). The operator must provide a plan for re-balancing micromobility devices around the city to: • Prevent or resolve bunching. • Comply with section 3(i)	
Adverse or severe weather or other emergencies 1(j). The operator must advise council of how they will manage operations in the case of adverse or severe weather or other emergencies.	
Influencing user behaviour 1(k). The operator must provide and implement a plan to influence user behaviour in the areas of riding and parking compliance.	
1(l). Operators must commit to work with Auckland Council, Auckland Transport, and other relevant parties as required in the development and provision of safety and nuisance reduction initiatives.	
1(m). Operators must confirm that Auckland Council / Auckland Transport parklets will be made visible within their app.	

6

Assessment criteria	Comments on application
Relevant criteria in Council's bylaw	
11(2)(b) specifications of any furniture, structures, equipment, side awnings, vehicles, signs, displays and other items used or associated with the activity.	
Relevant assessment criteria in guidelines	
Quality of the goods, services and experience	
whether the activity will provide good quality products or services that adds to the character of the area as well as ensure the protection of the consumer	
Relevant requirements in code of practice	
Product requirements 1(e). The operator must provide specifications of the micromobility devices to be deployed from date of licence issued. This includes but is not limited to: • A detailed diagram of device equipment • Brand • Model • Used or new	

Relevant requirements in code of practice	

1(f). The operator must confirm that:
 	
  i.   The micromobility devices equipment complies with legal standards and requirements, including battery requirements.
 	
  ii.   The micromobility devices equipment is of sufficiently high quality to withstand constant public use and exposure to the Auckland elements.
 	
  iii. The micromobility devices equipment includes smart technology with active global positioning system (GPS) and wireless connectivity.
 	
  iv. The micromobility devices equipment contains integrated location technology and on-board wireless diagnostics to identify software and mechanical failure and enable preventative maintenance.
 	
  v.   Any micromobility device reported or believed to be inoperable will be remotely locked, until the device is removed and repaired
 	
  vi. Every micromobility device will be equipped with a unique identification number that is:
 	
      o A minimum 100pt font size or appropriate font size to be viewable at 5m distance.
      o High contrast
      o Prominently displayed at all times.
 	
    For e-scooters
      o Located on both the rear wheel guard and stem.
    For bikes
      o Located in two places on the bike equipment e.g., rear wheel guard and frame.
    For any other device
      o To be agreed between the council and operator	

vii. Every micromobility device will be equipped with a unique identification number that is:

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For e-scooters

- o Located on both the rear wheel guard and stem.

For bikes

- o Located in two places on the bike equipment e.g., rear wheel guard and frame.

For any other device

- o To be agreed between the council and operator

viii. Every micromobility device will prominently display an 0800 number for public use with a minimum 30pt font size.

For bikes

ix. Every bike will have a red or yellow rear reflector that is visible from 200 metres when light shines on it.

x. Every bike will have good brakes on the front and back wheels.

xi. When cycling at night, or when visibility is poor, every bike will have the following:

- o One or more steady or flashing rear-facing red lights that can be seen at night from 200 metres.
- o One or two white or yellow headlights that can be seen at night from 200 metres. Only one of these headlights may flash.
- o Pedal reflectors on the forward and rearward facing surfaces of each pedal.

9

xii. When cycling at night, or when visibility is poor, every bike will have the following:
 	
  o One or more steady or flashing rear-facing red lights that can be seen at night from 200 metres.
 	
  o One or two white or yellow headlights that can be seen at night from 200 metres. Only one of these headlights may flash.
 	
  o Pedal reflectors on the forward and rearward facing surfaces of each pedal.
 	
xiii. The operator must provide a detailed plan on how they will ensure each bike is always supplied with a helmet that meets current safety standards as required by New Zealand law. Note: all helmets must meet Standards AS/NZS 2063	

User reporting of accident and incidents 1(g). The operator must confirm and provide evidence that in-app reporting features will be available on the home page of the app or within one to three clicks from the home page, to allow reporting of issues including, but not limited to: an accident, incident, damage or malfunction.	
Relevant criteria in Council's bylaw	
11(2)(c) actual or potential impact of the activity on the public, council-controlled public places and surrounding environment; (i) impacts as a result of noise, glare, light spill, odour, anti-social behaviour; (ii) impacts on appearance and amenity; (iii) impacts to native fauna, flora and heritage features; (vi) the impact on nearby business premise	

Relevant assessment criteria in guidelines	
Impact of activity on adjacent properties	
whether the activity is likely to give rise to nuisance, impact on public safety or loss of amenity caused by noise, litter, odour or anti-social behaviour	
whether it likely to impact on residential amenity	
Management of the activity	
whether the activity will be managed in a way that it does not 'privatise' or cause a loss of public space	
Relevant requirements in code of practice	
3(i) Operators must demonstrate any measures they are able to implement in the event that their devices are being affected by anti-social behaviour	
Relevant criteria in Council's bylaw	
11(2)(f) suitability of the applicant to hold an approval taking into account any known past operational issues and the applicant's experience and track record;	
Relevant assessment criteria in guidelines	
History (i.e., complaints about non-compliance) what the applicant's track record of compliance is	
Public liability insurance whether the commercial service operator has appropriate public liability insurance	
Relevant requirements in code of practice	
Insurance 1(a). The operator must provide evidence that they hold public liability insurance of at least NZ$2,000,000.	

Relevant requirements in code of practice	
Contact details 2(b). The operator must provide contact details, including a phone number, for a suitable local staff member who can liaise with the council during licensing hours to address operational issues.	
Relevant criteria in Council's bylaw	
11(2)(h) whether the activity complies with relevant requirements in any Act, regulation or Bylaw to enable the activity to occur for example, obtaining and complying with an approved waste management and minimisation plan or compliance with food safety legislation.	
11(2)(j) whether the activity is consistent with relevant Auckland Council policies and plans Including but not limited to: • The Auckland Plan 2050 (See attached **New Mobility Principles Document** for further guidance.) • Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan • Te Mahere Whakahaere me te Whakaiti Tukunga Para i Tāmaki Makaurau 2018: Auckland Waste Management and Minimisation Plan 2018	
Relevant criteria AT's bylaw	
7(4)(c) whether the application, if approved, would likely support a reduction in greenhouse gas emissions in alignment with national and regional strategies or plans related to climate change.	

Relevant assessment criteria in guidelines	
Benefits to the community	
whether the activity improves the local community / local area	
Relevant requirements in code of practice	

Overall extent to which application is consistent with code of practice, including:
  1. Engagement with Auckland Council
  2. Ongoing operational requirements
  3. Ongoing safety enhancement and nuisance reduction requirements
  4. Ongoing information requirements	

The Auckland Plan and new mobility

Auckland's high-level strategic vision is described in the Auckland Plan 2050 (AP2050). While this plan provides strong direction on the future the council and Aucklanders are seeking, it is by necessity broad. To help with understanding the AP2050 we have compiled the following list of principles based on the outcomes, directions and focus areas described in the plan, which are particularly relevant to new mobility modes and operating models.

These principles have been developed for use in considering and guiding various types of new mobility in Auckland, and applicants should use them to demonstrate how their schemes can contribute to Auckland's strategic objectives. In saying that, it is not expected that all these principles will be relevant in every case and where they are not it is not necessary to address them for the sake of completeness. There may also be tension, or even conflict, between them in some situations. This is to be expected when dealing with the complex and often competing priorities of a city such as Auckland.

The following table sets out the principles, with a short description of the expected outcome that the application of that principle is expected to achieve. In the case of health, safety and the environment the principles take the form of a clear "bottom-line" to achieving the desired outcome, while in other cases there is greater flexibility.

The principles are generally focused on the long-term outcomes. In the short-term, trials and staged introductions are likely to be required that may limit how well new technology can address some, or all, of these principles. If this is the case in relation to health, safety or the environment, new technology must not be worse than the present situation and an explanation of what is being done to make progress on these matters should be provided.

Please note, these principles are not intended to supplant the broad strategic direction in the AP2050 or cover every aspect of it, but rather to highlight the most relevant aspects related to new mobility. In addition to the below we encourage you to consider the plan itself and any other relevant Auckland Council policy and plans and welcome your observations on how you will be consistent with them.

Principles	Explanation	Auckland Plan links
Reduce the harm to people from our transport system	Human life and health are paramount and should be protected. New technology must help reduce: • the number of deaths and serious injuries on our transport network on our way to our goal of zero deaths and serious injuries (**DSIs**) by 2050 • direct harm to health which is caused by the transport system e.g. particulate emissions and noise.	**Outcome: Transport and Access** • Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland • Direction 3: Maximise safety and environmental protection • Focus area 6: Move to a safe transport network free from death and serious injury • Focus area 7: Develop a sustainable and resilient transport system
Prioritise active transport for short trips	Walking, cycling and active travel should be the best options for short urban journeys. The focus of efforts in relation to these short trips should be on making choosing active modes easier and more desirable while minimising impact on existing users of public spaces (particularly vulnerable pedestrians)	**Outcome: Transport and Access** • Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland • Focus area 1: Make better use of existing transport networks • Focus area 4: Make walking, cycling and public transport preferred choices for many more Aucklanders
Support mass transit as the backbone of the system	New mobility services should support and/or complement the rapid and frequent transport network, not compete with it.	**Outcome: Transport and Access** • Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland • Focus area 1: Make better use of existing transport networks
Make efficient use of road space and manage congestion	New mobility options should provide or support more efficient methods of travel, such as through the use of smaller vehicles and/or higher levels of vehicle occupancy, especially during peak travel times, around centres and along congested corridors.	**Outcome: Transport and Access** • Direction 1: Better connect people, places, goods and services • Focus area 1: Make better use of existing transport networks

15

	This should include the avoidance or minimisation of peak period redeployment and relocation of vehicles.	
Reduce emissions and environmental impacts	New mobility options must have lower environmental effects, including contributing fewer emissions, than the modes or methods of travel they are replacing (and also taking into account new trips generated).	**Outcome: Transport and Access** • Direction 3: Maximise safety and environmental protection • Focus area 7: Develop a sustainable and resilient transport system **Outcome: Environment and Cultural Heritage** • Direction 1: Ensure Auckland's natural environment and cultural heritage is valued and cared for • Direction 3: Use Auckland's growth and development to protect and enhance the natural environment • Focus area 1: Encourage all Aucklanders to be stewards of the natural environment, and to make sustainable choices
Support Māori identity and wellbeing	Many of the approaches described in the principles are aligned with Māoritanga and following these principles should see that Māori benefit from the introduction of new technology. New mobility services should also: • consider how they could benefit more specific Māori outcomes, such as the accessibility of papakāinga and marae • incorporate where appropriate the perspective gained from tikanga and te ao Māori view. • Value and protect our taonga tuku iho (natural environment) in Auckland.	**Outcome: Environment and Cultural Heritage** • Direction 2: Apply a Māori world view to treasure and protect our natural environment (taonga tuku iho) **Outcome: Māori Identity and Wellbeing** • Direction 1: Advance Māori wellbeing

Support the development of a compact city	New mobility services should be implemented in such a way as to support Auckland's plans to take a quality compact urban approach to growth and development.	**Outcome: Transport and Access** • Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland • Focus area 5: Better integrate land-use and transport **Outcome: Homes and Places**

17

		• Direction 1: Develop a quality compact urban form to accommodate Auckland's growth **Auckland Plan: Development Strategy**
Promote equitable access	All people should benefit from new mobility services. New transport services and models of operation must therefore improve rather than reduce the options available to people. They also, most importantly, should be available to all parts of Auckland and all segments of society. It is also desirable if new initiatives are able to specifically improve the level of accessibility for people with lower transport choice.	**Outcome: Transport and Access** • Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland **Outcome: Belonging and Participation** • Direction 2: Improve health and wellbeing for all Aucklanders by reducing harm and disparities in opportunities • Focus area 6: Focus investment to address disparities and serve communities of greatest need
Support an attractive urban environment and people-focused public spaces	New mobility options should enhance our city and complement its public spaces by contributing to attractive and enjoyable public spaces for people, especially on foot, and improving the well-being of communities.	**Outcome: Transport and Access** • Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland • Focus area 3: Maximise the benefits from transport technology • Focus area 5: Better integrate land-use and transport **Outcome: Homes and Places** • Direction 4: Provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living • Focus area 5: Create urban places for the future