

19 NOTICE OF MOTION

19.1 Prohibit e-scooters

Clr Matt Brown has submitted the following Notice of Motion for Council's consideration.

MOTION

That Council:

1. Notes the riding of e-scooters on public roads and footpaths is illegal in the Kiama Local Government area.
2. Supports this law and has no intention of changing it.

Signed Councillor Matt Brown

Purpose

To provide information to the community and to simply state the current law for our community.

Background

Recently The Bugle ran a story about e-scooters for the Kiama Local Government Area.

A number of different positions were put by a few different councillors.

This has resulted in some members of the community believing Council is considering and debating whether to allow e-scooters to use public infrastructure.

Since Council has no position, other than its current one, it is important to convey this clearly.

Chief Executive Officer response

There appears to be some confusion on this issue due to recent news reporting and individual Council's entering trials for usage.

It is noted that e-scooters are illegal in NSW for Roads and Road related areas and road related areas includes footpaths and shared paths. As such, Council does not typically require a formal position or resolution when complying with current State imposed road rules. It is noted that this Notice of Motion seeks to make the facts concerning usage public.

E-scooters | Transport for NSW

An e-scooter in is a vehicle under the Road Transport Act 2013 and the Roads Act

Roads Act

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19.1 Prohibit e-scooters (cont)

15 What is a vehicle

A vehicle includes—

- (a) a motor vehicle, trailer and tram, and
- (b) a bicycle, and
- (c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle, and
- (d) a combination, and
- (e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), and
- (f) an electric skateboard, unless a person is driving the electric skateboard in the circumstances set out in rule 228–1,

but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Road Transport Act 2013

vehicle means—

- (a) any description of vehicle on wheels (including a light rail vehicle) but not including any other vehicle used on a railway or tramway, or
- (b) any description of tracked vehicle (such as a bulldozer), or any description of vehicle that moves on revolving runners inside endless tracks, that is not used exclusively on a railway or tramway, or
- (c) any other description of vehicle prescribed by the statutory rule

Roads Act 1993

13 What is a road related area

(1) A road related area is any of the following—

- (a) an area that divides a road,
- (b) a footpath or nature strip adjacent to a road,
- (c) an area that is not a road and that is open to the public and designated for use by cyclists or animals,
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles.

As an e-scooter doesn't have pedals it cannot be defined as a bicycle and defaults to being a motor bike. They do not comply with the design standards and hence cannot be registered for use and become illegal unless used wholly within private property. It would also be illegal to ride a motorbike on a footpath or shared path as they're restricted usage pathways.

Council can undertake local public education on the legality of e-scooters within existing resources via a media release and inclusion on our webpage.

19.2 Jamberoo Pool

Clr Stuart Larkins has submitted the following Notice of Motion for Council's consideration.

MOTION

That Council:

1. Notes that Jamberoo Pool is currently scheduled for reopening to the public on 3 December 2023.
2. Acknowledges the requests from the community to open Jamberoo Pool earlier due to the earlier warmer weather.
3. Notes that there are operational matters but where it is feasible and practical to do so, seeks that the pool be opened earlier than the current scheduled date.
4. Passes on its appreciation to council staff in working towards opening the pool earlier.

Signed Councillor Stuart Larkins

Purpose

This motion seeks to open Jamberoo Pool earlier than currently scheduled due to earlier warmer weather.

Background

As a councillor, I have been receiving a number of requests from the community for Jamberoo Pool to re-open earlier than the current scheduled opening date of 3 December 2023.

These requests have been exacerbated by the earlier warmer weather conditions, where there have been days as high as 35 degrees during the day and afternoon.

Kiama Council staff are already aware of these requests and have already been reviewing whether it is possible to open the pool earlier, including exploring an earlier weekend only opening.

There are a number of operational matters considered as part of this motion. This includes that there is maintenance and preparatory cleaning work required on the pool before it is opened. Council has needed to recruit a Jamberoo Pool Lifeguard

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19.2 Jamberoo Pool (cont)

Attendant. It is acknowledged that the application process opened a number of weeks ago and closes on 15 October 2023.

This motion seeks to give elected leadership approval for opening the pool earlier, where it is feasible and practical to do so.

Chief Executive Officer response

Council staff are aware of the community requests received to open the pool earlier than scheduled and have been investigating options to enable this to occur.

These investigations have found that the following operational impacts of opening the pool early include:

- As outlined above the recruitment for casual seasonal staff for the pool has only recently commenced as it was to be aligned with the scheduled open date in December. This recruitment is progressing and takes four weeks to complete.
- To enable operations to commence onsite a two-week period of preparation is required to ensure the pool is ready for use.
- The earliest date that could be achieved for a pool opening would be the 10 November 2023.
- If the pool was to open on the 10 November 2023 this would result in an additional staff and maintenance cost of \$11,000 to Council.
- As the pool is free entry this additional cost cannot currently be recouped through fees and this additional expenditure is not in the current budget.
- It is noted that the Notice of Motion does not identify a source of funding.
- This request should be referred, as with all others, to the forward budget estimate register for 2024/25.
- An option could be for charges to be applied at the facility however this would have to follow the fees and charges process of Council.

Council is currently undertaking a Service Review of our Kiama Leisure Centre and the Jamberoo pool to consider a range of options and areas for improvement/efficiency and service for these facilities. The opening schedule is included within this scope of works, for investigation, discussion and further consultation with the community.