

## Resolution of Council

**23 October 2023**

### **Item 10.10**

#### **Safety Issues Bridge Road Temporary Cycleway, Glebe**

The original motion was moved by Councillor Weldon, seconded by Councillor Jarrett.

It is resolved that:

(A) Council note:

- (i) our public duty to ensure that any cycleway installed by the City of Sydney Council (including any pop-up cycleway) is safe before and after it is opened, encouraging cyclists to use it in the reasonable expectation that all safety issues have been fully assessed;
- (ii) data available on the NSW Centre for Road Safety confirms in the five-year period 2018-2022 the City of Sydney had by far the highest number of cyclist casualties from crashes of any Local Government Area;
- (iii) high volumes of vehicle traffic combined with cycling rates much higher than other Local Government Areas in NSW mean that there are relatively high number of crashes involving cyclists in the City of Sydney;
- (iv) from 2018 to 2022 there were 398 cyclist casualties from crashes in the City of Sydney;
- (v) this data excludes cyclist collisions where the cyclist was injured but not hospitalised and police were not called to the incident;
- (vi) in September 2020, a temporary pop-up cycleway, which is still in place, was installed for six months by Transport for NSW (TfNSW) on Bridge Road, Glebe between Lyons Road and Taylor Street to ease overcrowding on public transport during Covid-19;
- (vii) the temporary cycleway on Bridge Road was installed by Transport for NSW;

- (viii) the legal authority for the cycleway to be in place for six months was a Ministerial Order made under Section 10.17 of the Environmental Planning and Assessment Act, 1979, signed by then Minister for Planning and Public Spaces, Rob Stokes on 29 May 2020. It was extended for a further six months in 2020 and a further 12 months in 2021;
- (ix) on 28 March 2022, the Review of Environmental Factors (REF) was finalised enabling the pop up cycleway to remain in place;
- (x) the REF for the permanent cycleway on Bridge Road has never been exhibited publicly by Transport for NSW;
- (xi) a REF was conducted and publicly exhibited for each of the temporary cycleways installed by City of Sydney under the Ministerial Order made under Section 10.17 of the Environmental Planning and Assessment Act 1979, before they were made permanent;
- (xii) correspondence between City staff and Transport for NSW in 2022/23, which has been released to the Glebe Society under GIPA, indicates:
  - (a) City staff have repeatedly warned Transport for NSW that the temporary cycleway on Bridge Road is dangerous; and
  - (a) City staff have serious road safety concerns regarding the design proposed by Transport for NSW for a permanent cycleway on Bridge Road;
- (xiii) on 25 January 2023, Transport for NSW issued a community update that the construction of the permanent cycleway on Bridge Road would commence in mid-2023 following completion of roadwork on Bridge Road related to electricity supply for the Fish Market redevelopment;
- (xiv) on 25 February 2023, a senior Transport for NSW official wrote to the City advising 'we have no formal agreement in place and no budget to progress [the construction of the Bridge Road Cycleway]';
- (xv) it was reported in the Sydney Morning Herald on 5 October 2022, that Mark Fozzard, a leading Barrister specialising in Planning Law, had provided a legal opinion that the cycleway on Bridge Road has been being kept in place without legal authority since 31 May 2022;
- (xvi) on 22 March 2023, Transport for NSW called a tender to build the permanent cycleway which is still under consideration according to the Transport for NSW website;
- (xvii) three weeks after the tender to build the cycleway was called, on 17 April 2023, a road safety auditor who is part of CCHD PTY LTD conducted an "independent" road safety audit on the project phase of Pre-Construction Detail Design developed by the same company, which the City of Sydney has no record of;
- (xviii) on 29 May 2023 CCHD PTY LTD published 'Design Report Detail Design (Issue for Construction)', which the City of Sydney has no record of;

- (xix) on 10 October 2023, Transport for NSW issued a community update on their website and via email, stating upgrades to the cycleway will include replacing the lightweight barrier between the cycleway and traffic lanes with a more durable barrier made of concrete separators, and that the project has a revised construction date of early 2024;
  - (xx) Transport for NSW is committed to upgrading the temporary cycleway on Bridge Road to a permanent cycleway so that it is safer for people walking and bike riding, as well as for other road users;
  - (xxi) the latest Transport for NSW automated counts on the Bridge Road cycleway show an average of 340 trips per day, which is expected to increase once it is integrated into the broader cycleway network and made permanent;
  - (xxii) according to NSW Centre for Road Safety data there were 16 crashes on the Bridge Road pop-up cycleway between Lyons Road and Taylor Street between September 2020 when the pop-up cycleway was installed and December 2022 (latest data). Of those, seven crashes involved people riding with five of those caused by vehicle drivers; and
  - (xiii) in addition to raising road safety concerns regarding the cycleway, residents and some cyclists criticise the methodology, integrity and conclusions of the community consultation process undertaken by Transport for NSW prior to the decision to make the cycleway permanent in March 2022;
- (B) the Chief Executive Officer be requested to write to the Secretary of Transport for NSW requesting:
- (ii) copies of the design stage road safety audit and final design for the proposed permanent cycleway on Bridge Road;
  - (iii) advice as to whether the design stage road safety audit was conducted on the entire design for the cycleway and, if not, which elements of the design were not included in the audit and why they were excluded;
  - (iv) advice on what information the auditor claims was not provided by Transport for NSW and why these items were not provided to the auditor;
  - (v) advice on the reasons why a nighttime road safety audit was not conducted as part of the design stage road safety audit;
  - (vi) advice as to how Transport for NSW will address safety issues with the cycleway design identified by the City of Sydney in previous correspondence sent to Transport for NSW;
  - (vii) a record of all known cycling accidents on Bridge Road from 1 September 2020 to 23 October 2023 including date, location, nature of injury and whether pedestrians were injured in the accidents;
  - (viii) information regarding litigation in which Transport for NSW are being sued in relation to accidents and or injuries which have occurred since the temporary cycleway was installed on Bridge Road in July 2020; and

- (ix) in the interest of good governance, the release for public exhibition of the REF conducted in relation to the proposed permanent cycleway on Bridge Road; and
- (C) the Chief Executive Officer be requested to provide Council with:
- (i) a summary of safety issues of critical concern regarding the proposed design of the cycleway on Bridge Road;
  - (ii) City records of all known cycling accidents on Bridge Road from 1 September 2020 to 23 October 2023 including date, location, nature of injury and whether pedestrians were injured in the accidents;
  - (iii) information regarding litigation in which the City is being sued in relation to accidents and or injuries which have occurred since the temporary cycleway was installed on Bridge Road in July 2020; and
  - (iv) responses from Transport for NSW in relation to the matters raised in (B).

Amended motion was carried unanimously.

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