

Item 4.

Review of Environmental Factors – Pop-Up Cycleways - Moore Park Road and Fitzroy Street

File No: X037206

Summary

This report is to update Council on the Review of Environmental Factors (REF) to continue the operation of pop-up cycleways ("proposed activity") for up to two years on:

- (a) Fitzroy Street (Surry Hills); and
- (b) Moore Park Road (Paddington)

and the outcome of public consultation on the proposal.

The Deputy Prime Minister, Minister for Transport and Federal Local Member announced on 13 March 2021 that the Australian and NSW Governments would jointly fund a new cycleway to the Eastern Suburbs along Oxford Street from Centennial Park to Taylor Square. The City understands that Transport for NSW has already commenced planning and design works to fast track this project.

The existing pop-up cycleways on Moore Park Road and Fitzroy Street provide a safe temporary connection between the Eastern Suburbs and Central Sydney and have high usage with 2,165 trips recorded on Moore Park Road cycleway in the first week of March 2021. The City proposes to retain both pop-up cycleways until the Oxford Street cycleway is installed, maintaining a safe cycle connection to the east. The City proposes to remove the pop-up cycleways following implementation of the Oxford Street cycleway.

For Moore Park Road, the City received a total of 123 submissions, including 102 survey responses and 21 email submissions, with 41 responses in support of the proposal, 37 opposing and 45 with qualified responses and suggestions.

For Fitzroy Street, the City received a total of 49 submissions, including 42 survey responses and 7 email submissions, with 14 responses in support of the proposal, 6 opposing and 29 with qualified responses and suggestions.

To address community concerns raised during operation of the Moore Park Road pop-up cycleway, the City proposes to implement overnight parking along the southern side of Moore Park Road between Cook Road and Poate Road. This proposal will need to be presented to and endorsed by the Local Pedestrian, Cycling and Traffic Calming Committee. The proposed parking restrictions would be 1P permit exempt, 7pm-6am, 7 days, Area 13, no stopping other times.

The Review of Environmental Factors find that the proposed activity will create minimal environmental impacts that can be generally mitigated during operation with the various environmental safeguards nominated in Sections 6 and 7 of each Review of Environmental Factors.

The City of Sydney is both the proponent and the determining authority for the pop-up cycleways Review of Environmental Factors required under Part 5 of the Environmental Planning and Assessment Act 1979..

Following community exhibition of the draft Review of Environmental Factors from 13 March to 9 April 2021, this report seeks Council approval to continue the operation of these pop-up cycleways for up to two years.

Recommendation

It is resolved that Council:

- (A) note the Review of Environmental Factors for the Fitzroy Street pop-up cycleway to be retained for a period of up to two years, as shown in Attachment B to the subject report;
- (B) note the Review of Environmental Factors for the Moore Park Road pop-up cycleway to be retained for a period of up to two years, as shown in Attachment C to the subject report;
- (C) approve the Chief Executive Officer signing the determination associated with the exhibited Review of Environmental Factors for the Fitzroy Street pop-up cycleway for the following reasons:
 - (i) the City is the self-assessment authority for the projects and holds the authority to assess and grant approval to activities under Part 5 of the Environmental Planning and Assessment Act 1979;
 - (ii) the proposed projects identified in the Review of Environmental Factors is an "activity" under Division 17 (Road infrastructure facilities) within State Environmental Planning Policy (Infrastructure) 2007. The activity constitutes in part "exempt development" and in part activities that are "development that is permissible without consent" and therefore Part 5 of the Environmental Planning and Assessment Act 1979 applies;
 - (iii) the Review of Environmental Factors has been carried out for the projects addressing the environmental impacts of the temporary retention of the pop-up cycleway in accordance with Clause 228(2) of the Environmental Planning and Assessment Regulation 2000; and
 - (iv) subject to compliance with the mitigation measures outlined in each Review of Environmental Factors, the proposed activity will not result in a significant impact on the environment and may be approved under Part 5 of the Environmental Planning and Assessment Act 1979; and

- (D) approve the Chief Executive Officer signing the determination associated with the exhibited Review of Environmental Factors for the Moore Park Road pop-up cycleway for the following reasons:
- (i) the City is the self-assessment authority for the projects and holds the authority to assess and grant approval to activities under Part 5 of the Environmental Planning and Assessment Act 1979;
 - (ii) the proposed projects identified in the Review of Environmental Factors is an "activity" under Division 17 (Road infrastructure facilities) within State Environmental Planning Policy (Infrastructure) 2007. The activity constitutes in part "exempt development" and in part activities that are "development that is permissible without consent" and therefore Part 5 of the Environmental Planning and Assessment Act 1979 applies;
 - (iii) the Review of Environmental Factors has been carried out for the projects addressing the environmental impacts of the temporary retention of the pop-up cycleway in accordance with Clause 228(2) of the Environmental Planning and Assessment Regulation 2000; and
 - (iv) subject to compliance with the mitigation measures outlined in each Review of Environmental Factors, the proposed activity will not result in a significant impact on the environment and may be approved under Part 5 of the Environmental Planning and Assessment Act 1979.

Attachments

- Attachment A.** Location Map
- Attachment B.** Review of Environmental Factors - Pop-Up Cycleway - Fitzroy Street
- Attachment C.** Review of Environmental Factors - Pup-Up Cycleway - Moore Park Road
- Attachment D.** Engagement Report - Fitzroy Street
- Attachment E.** Engagement Report - Moore Park Road

Background

1. Transport for NSW and the City of Sydney delivered seven pop up cycleways in the City of Sydney under the Environmental Planning and Assessment (COVID-19 Development-Temporary Cycleways) Order 2020 ("Order").
2. The original Order expiry required that pop-up cycleways be removed within two months of the expiry of the prescribed period unless they are approved through the usual planning processes under Part 5 of the Environmental Planning and Assessment Act 1979 ("EP&A Act"). On 25 March 2021, the NSW Government extended the prescribed period for temporary planning measures until 31 March 2022.
3. A comprehensive process of monitoring and evaluation the pop-up cycleways formed the evidence base to recommend the pop-up cycleways on City controlled roads are retained for up to two years.
4. The pop-up cycleways, under usual planning processes, meet the definitions for "road infrastructure facilities" and accordingly the provisions of Clause 94 of the Infrastructure SEPP apply and Part 5 of the EP&A Act requires consideration of the environmental impacts of the proposal.
5. The purpose of the Review of Environmental Factors is to describe the proposal, assess the potential for the proposal to result in environmental impacts, and inform the decision to proceed with the proposal.
6. The Review of Environmental Factors was prepared by environmental planning consultants on behalf of the City of Sydney. The proposal and associated environmental impacts have been described in the context of clause 228 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), fulfilling the requirements of Section 5.5 of the EP&A Act.
7. The Review of Environmental Factors found that the proposals would not result in any significant impacts upon the environment and as such may be approved with relevant mitigations applied.
8. To continue the operation of the cycleways, no new construction works are required. Maintenance works may involve replacement of the safety barriers with other materials that may be more suitable for ongoing operation.
9. A summary of the proposals is provided in the following sections of this report.

Proposal

Fitzroy Street (Surry Hills)

10. The cycleway provides a safe connection between the Eastern Suburbs and Central Sydney and usage has steadily increased over time to an average of 1,731 trips per week in February 2021 and 2,080 trips in the first week of March 2021.
11. The Review of Environmental Factors assesses the proposal to continue operation of a two-way, separated cycleway along the southern side of Fitzroy Street between Bourke Street and South Dowling Street in Surry Hills for two years while the City implements a permanent project for an alternative permanent cycleway on Flinders Street.

12. The City will work with Transport for NSW and Woollahra Council to develop a cycleway on Oxford Street between Taylor Square and Centennial Park. When a concept design has been developed the City of Sydney will consult extensively with the community. Once the Oxford Street cycleway is delivered, it is the City's intention is to remove the pop-up cycleway on Fitzroy Street.

Moore Park Road (Paddington)

13. The cycleway provides a safe connection between the Eastern Suburbs and Central Sydney and usage has steadily increased over time to an average of 1,915 trips per week in February 2021 and 2,165 trips in the first week of March 2021.
14. The Review of Environmental Factors assesses the proposal to continue operation of the existing two-way cycleway along the southern side of Moore Park Road between Anzac Parade and Lang Road in Paddington and Moore Park for a period up to two years while Transport for NSW and the City implement a permanent project for an alternative cycleway on Oxford Street.
15. To address community concerns raised during operation of the Moore Park Road pop-up cycleway, the City will go through the necessary processes to implement overnight parking along the southern side of Moore Park Road between Cook Road and Poate Road. The proposed parking restrictions, subject to endorsement by the Local Pedestrian, Cycling and Traffic Calming Committee, would be 1P permit exempt, 7pm-6am, 7 days, Area 13, no stopping other times.
16. The City will work with Transport for NSW and Woollahra Council to develop a cycleway on Oxford Street between Taylor Square and Centennial Park. When a concept design has been developed the City of Sydney will consult extensively with the community. Once the Oxford Street cycleway is delivered, it is the City's intention is to remove the pop-up cycleway on Moore Park Road.

Assessment and findings

17. Under Part 5 of the EP&A Act, Council is required to consider whether the activity is likely to have a significant impact on the environment. Clause 228(2) of the EP&A Regulations 2000 outlines what factors must be taken into account concerning the impact of an activity on the environment for the purpose of Part 5 of the EP&A Act.
18. Sections 6 and 7 of the Review of Environmental Factors outlines the assessment of the environmental impacts of the proposal in accordance with Clause 228(2) and finds that the proposal will have no material adverse impacts on the environment or amenity of the surrounding area.
19. The proposal and Review of Environmental Factors has been informed by consultation with the community, external stakeholders and relevant internal units of Council as outlined in Part 5 of the EP&A Act and the City of Sydney Community Participation Plan 2020.
20. The assessments find that the proposed activity will create minimal environmental impacts that can be generally mitigated during operation with the various environmental safeguards nominated in Sections 6 and 7 of the Review of Environmental Factors.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

21. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 3 - Integrated Transport for a Connected City - The pop-up cycleways form part of the Regional and Local Bike Network identified in the City's Cycling Strategy and Action Plan 2018-2030 and were installed in locations identified as a strategic priority. This included locations where existing cycleways were discontinuous, where there was demand for cycling infrastructure, where there was a recognised route to key employment areas or where there was a recognised hot spot of congestion requiring more transport choices including access to recreation.
 - (b) Direction 4 - A City for Walking and Cycling - The pop-up cycleways provide safe connections in important travel corridors and usage has steadily increased over time. The cycleways contribute to the objective of implementing priority cycleway connections to improve safety, accessibility, connectivity and amenity across the local government area for people cycling.

Organisational Impact

22. The continued operation of the pop-up cycleways will require minor maintenance and repairs as required until removed.

Risks

23. Risks associated with the proposals have been considered throughout the installation and first six months of operation and have been assessed through the Review of Environmental Factors process. These include safety (in particular road safety for people walking, cycling or driving), environmental impacts and economic impacts, as well as community concerns.

Social / Cultural / Community

24. The proposal supports healthy lifestyles and meets the relevant strategy documents by increasing access and safety for people on bikes and improves modal integration and complements the wider transport network, inclusive of existing cycleway networks in the area.

Environmental

25. The proposals align with the City's Sustainable Sydney 2030 goals which aim to provide a better environment for people walking and riding bikes, resulting in lower emissions.
26. Cycling and walking are integral to our transport future because they are the most accessible, equitable, sustainable and reliable forms of transport.
27. The assessments find that the proposals support active transport and minimise motorist emissions.
28. The assessments find that the proposals would not result in any significant impacts upon the environment.

Economic

29. The proposals play an important role in allowing people to safely return to work and local businesses, helping support economic recovery.

Financial Implications

30. There are sufficient funds within the City's draft 2021/22 operating budget and future year forward estimates to undertake maintenance works on these cycleways for up to two years.

Relevant Legislation

31. Environmental Planning and Assessment Act 1979.
32. Environmental Planning and Assessment Regulation 2000.
33. State Environmental Planning Policy (Infrastructure) 2007.

Critical Dates / Time Frames

34. The City will work with Transport for NSW and Woollahra Council to develop a cycleway on Oxford Street between Taylor Square and Centennial Park. When a concept design has been developed the City of Sydney will consult extensively with the community. Once the Oxford Street cycleway is delivered, the City will remove the pop-up cycleway on Moore Park Road.

Options

35. The option to 'Do Nothing' was considered for each pop-up cycleway.
36. As the proposal was constructed under the Environmental Planning and Assessment (COVID-19 Development-Temporary Cycleways) Order 2020, the 'do nothing' option would require that the cycleway be decommissioned, with all existing infrastructure by within two months of the extended Order's 31 March 2022 expiry date.
37. The removal of the pop-up cycleway would reverse the positive impacts and outcomes of the cycleway, including improved safety, and therefore be an adverse impact on the area and people.
38. This option would not achieve the proposal objectives, nor would it achieve the City of Sydney's strategic objectives towards providing a connected active transport network and supporting equitable access and healthy lifestyles. This cycleway is part of the bike network in Council's adopted Cycling Strategy and Action Plan
39. Therefore the 'Do Nothing' option is not the preferred option.

Community Engagement informing the Review of Environmental Factors

40. City of Sydney provided notification prior to the initial installation work commencing, including a description of the works and the construction period, to properties on the alignment of the pop-up cycleway. Community members were provided with an opportunity to register their interest in the pop-up cycleway and be consulted when a permanent plan is developed. The community could also provide feedback to inform the concept design and raise issues relating to the ongoing operation of the pop-up. This opportunity will remain open while the City develops a permanent plan for the street.
41. The City of Sydney collected and monitored feedback related to the impacts of the pop-up cycleway on street users and the broader community for the period 24 August 2020 to 16 November 2020.
42. A phone survey of 600 people, with 200 city residents and 400 in surrounding Local Government Areas, found the level of support for making more space for people to ride was high, with 71 per cent of City residents in support, and 68 per cent of residents of surrounding Local Government Areas.
43. The local community support for these projects, as measured by the sentiment in comments submitted to Sydney Your Say raised specific issues. These comments related to broader, structural issues including the consultation process, the role of each cycleway in the broader network roll out and addressing issues discovered immediately following the cycleway implementation.
44. Each pop-up cycleway also had local issues that shaped community sentiment. For example, on Moore Park Road concern over local access and parking were prominent. This has been responded to with the development of the proposed alternative overnight parking arrangements as outlined above.

Public Consultation

45. The City consulted residents and businesses in the area between 12 March to 9 April 2021. There were 3900 letters sent out for Fitzroy Street and 2250 letters for Moore Park Road.
46. For Fitzroy Street, the City received a total of 49 submission including 42 survey responses to sydneyoursay.com.au and 7 email submissions responses. Of these submissions 14 responses were in support of the proposal, 6 opposing and 29 with qualified responses and suggestions.
47. For Moore Park Road, the City received a total of 123 submissions, including 102 survey responses to sydneyoursay.com.au and 21 email submissions. Of these submissions 41 responses were in support of the proposal, 37 opposing and 45 with qualified responses and suggestions.
48. These suggestions reflected matters identified through earlier consultation processes and have been addressed in the Review of Environmental Factors following earlier engagement.

49. Key concerns people raised about the project include:
- (a) Fitzroy Street
 - (i) Reinstating the bus stop
 - a. The City will request Transport for New South Wales to review the decision to remove the bus stop
 - (ii) The cycleway has made it more difficult to cross midblock
 - a. The reduced speed limit makes it safer to cross, noting that people now need to look both ways before crossing
 - (b) Moore Park Road
 - (i) The reduction in parking spaces
 - a. The City understands this impact and worked with Transport for New South Wales to partially mitigate by introducing drop off spaces for the childcare, a disability space nearby in Poate Road and loading spaces in Poate Lane.
 - (ii) There is a risk of an accident at Moore Park Road and Poate Road as drivers aren't used to looking left to check for oncoming bikes when turning left.
 - a. The City requested Transport for NSW add more signage and line marking in this location

KIM WOODBURY

Chief Operating Officer

Sebastian Smyth, Executive Manager, City Access and Transport