

Item 5.**Review of Environmental Factors – Pop-Up Cycleway - Dunning Avenue****File No:** X037206**Summary**

This report is to update Council on the Review of Environmental Factors (REF) to continue the temporary operation of pop-up cycleways ("proposed activity") for up to two years on Dunning Avenue (Rosebery / Zetland) and the outcome of public consultation on the proposal.

The pop-up cycleway provides local north-south access to Green Square Town Centre from Rosebery and beyond and is a regional connection to Local Government Areas south of the City of Sydney. It has a one-way separated cycleway along each side of the street between Hansard Street and Gardeners Road in Rosebery and Zetland. An average of 759 trips per week were recorded on this cycleway in the month of February 2021.

The City is currently designing a permanent cycleway for Dunning Avenue that will be developed with due consideration of the community feedback on the pop-up cycleway. In particular, the City will be reviewing various design options to improve on the current configuration with the installation of a future permanent cycleway. Community consultation on the improved design will commence late 2021. If supported and approved, it is anticipated that the City will commence construction of the improved design within two years.

The City received a total of 164 submissions including 145 survey responses and 19 email submissions. Of the total submissions 14 are in support of the proposal, 14 opposing and 136 with qualified responses and suggestions. Many of the suggestions reflected matters identified through earlier consultation processes and have been addressed in the Review of Environmental Factors following earlier engagement

The Review of Environmental Factors finds 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.

The City of Sydney is both the proponent and the determining authority for the pop-up cycleways REF 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 2021 to 9 April 2021, this report seeks Council approval to continue the operation of the Dunning Avenue pop-up cycleway for up to two years.

Recommendation

It is resolved that Council:

- (A) note the Review of Environmental Factors for the Dunning Avenue pop-up cycleway to be retained for a period of up to two years, as provided in Attachment B to the subject report;
- (B) approve the Chief Executive Officer signing the determination associated with the exhibited Review of Environmental Factors for the Dunning Avenue 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. Context Map - Dunning Avenue

Attachment B. Review of Environmental Factors - Pop-Up Cycleway - Dunning Avenue

Attachment C. Engagement Report

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 cycleway, under usual planning processes, meets 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.
9. Maintenance works may involve replacement of the safety barriers with other materials that may be more suitable for ongoing operation.
10. A summary of the proposal is provided in the following sections of this report.

Proposal

11. The cycleway provides local access to Green Square Town Centre from Rosebery and beyond and a regional connection to Local Government Areas south of the City of Sydney. An average of 759 trips per week were recorded in the month of February 2021.
12. Rider volumes are expected to increase further once the final missing link between the south of the city, Green Square and the Sydney city centre is implemented (in the southern portion of Portman Street).

13. The Review of Environmental Factors assesses the proposal to continue the operation of the existing separated cycleway along each side of Dunning Avenue between Hansard Street and Gardeners Road in Rosebery and Zetland for a period up to two years, while the City considers and consults on a permanent project.
14. The City of Sydney is currently designing a permanent cycleway for Dunning Avenue that will be developed with due consideration of the community feedback on the pop-up cycleway. Community consultation on the improved design will commence late 2021. If supported and approved, it is anticipated that the City will commence construction of the improved design within two years.

Assessment and findings

15. 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.
16. 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.
17. 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.
18. 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

19. 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

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

Risks

21. 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

22. 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

23. The proposal aligns 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.
24. Cycling and walking are integral to our transport future because they are the most accessible, equitable, sustainable and reliable forms of transport.
25. The assessment finds that the proposals support active transport and minimise motorist emissions.
26. The assessment finds that the proposals would not result in any significant impacts upon the environment.

Economic

27. The proposal plays an important role in allowing people to safely return to work and local businesses, helping support economic recovery.

Financial Implications

28. There are sufficient funds in the draft 2021/22 operating budget and future year's forward estimates to absorb any additional maintenance costs relating to the temporary cycleway.

Relevant Legislation

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

Critical Dates / Time Frames

32. No critical dates. If approved, the pop-up cycleway will remain for up to two years pending approval and construction of the permanent cycleway.

Options

33. The option to 'Do Nothing' was considered for each pop-up cycleway.
34. 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 removed within two months of the extended Order's 31 March 2022 expiry date.
35. 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.
36. 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
37. Therefore the 'Do Nothing' option is not the preferred option.

Community Engagement informing the Review of Environmental Factors

38. 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.
39. 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.

40. 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 percent of City of Sydney residents and 68 per cent of surrounding Local Government Area residents in support.
41. 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.
42. Each pop-up cycleway also had local issues that shaped community sentiment. For example the local community around Dunning Avenue highlighted visibility and vehicle operation issues.

Public Consultation

43. The City consulted residents and businesses in the area between 12 March to 9 April 2021. There were 13,400 letters sent out.
44. The City received a total of 164 submissions, including 145 survey responses via sydneyoursay.com.au and 19 email submissions. Of these submissions 14 responses were in support of the proposal, 14 opposing and 136 with qualified responses and suggestions. These suggestions reflected matters identified through earlier consultation processes and have been addressed in the Review of Environmental Factors following earlier engagement.
45. Key concerns people raised about the project include:
 - (a) The cycleway has made the road more narrow and harder for vehicles to pass each other without slowing down.
 - (i) The City will consider design options during detailed design for a permanent cycleway.
 - (b) People riding feel unsafe to ride close to car doors
 - (i) Travelling between the kerb and the passenger side of parked cars reduces the frequency of the risk of dooring since on average eight to nine out of 10 car trips do not have a passenger. Additionally, people's primary safety concern when riding is mixing with moving traffic (based on customer research by Transport for New South Wales) this configuration offers a safer option for slower moving, less confident riders than riding in traffic.

KIM WOODBURY

Chief Operating Officer

Sebastian Smyth, Executive Manager, City Access and Transport