



# Continued Operation and Use of the Moore Park Road and Fitzroy Street Pop-up Cycleways

## Draft Review of Environmental Factors

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Prepared by  
Andrew Robinson Planning Services Pty Ltd  
PO Box 1452  
LANE COVE NSW 1595  
Ph: 0412541657

**LIMITATION:** This report has been prepared on behalf of and for the exclusive use of The Council of the City of Sydney (the Client). With the exception of its intended use in conjunction with the environmental impact assessment of the ongoing operation

and use of the Moore Park Road and Fitzroy Street Pop-up Cycleways, Andrew Robinson Planning Services (ARPS) accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report by any third party.

*“Walking and cycling are integral to our transport system and successful places. Over 1.1 billion trips a year in NSW are made on foot or by bicycle, including around 600 million trips associated with a public transport journey. Over a million people in NSW ride a bike at least once a week (13 percent of the population) and 2.6 million people ride a bike at least once a year.”*

*(Extract from <https://www.transport.nsw.gov.au/projects/programs/walking-and-cycling-program>)*

### *Document Review:*

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3.0		

# Executive summary

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## The proposal

The City of Sydney is seeking to extend the operation and use of the existing pop-up cycleways along Moore Park Road, Paddington and Fitzroy Street, Surry Hills, that were constructed under the *Environmental Planning and Assessment (COVID-19 Development – Temporary Cycleways) Order 2020*.

The Moore Park Road pop-up cycleways extends from the intersection of Moore Park Road, Lang Road and Oxford Street to the intersection with Anzac Parade and Flinders Street. The Fitzroy Street pop-up cycleway extends from the intersection of South Dowling Street along the southern side of Fitzroy Street, terminating just before the intersection with Bourke Street where it merges onto the existing shared path.

The pop-up cycleways are two-way and have an overall length of approximately 1.48 km in length and have been constructed within the westbound road carriageway using a combination of Klemmfix18 barriers and concrete medians to separate the cycleway from the trafficable lane, together with line and paint markings and signage. A small section (approximately 350m) of existing shared path along Moore Park Road between Driver Avenue and ANZAC Parade/South Dowling Street connects the two pop-up cycleways. The two pop-up cycleways, with the existing shared path form a continuous route between the existing Bourke Street cycleway to the west with the Centennial Park cycleway along Oxford Street to the east.

The NSW Government funded the design and construction of a new permanent cycleway by the City of Sydney along Oxford Street between Taylor Square and Liverpool Street and along Liverpool Street between Oxford Street and Castlereagh Street. The NSW Government announced it will implement a new permanent cycleway along Oxford Street between Taylor Square and Centennial Park.

The retention and continued operation of the Moore Park Road and Fitzroy Street pop-up cycleways will maintain a safe and segregated connection for people riding between the eastern suburbs and the city until a permanent facility along Oxford Street between Centennial Park and the City Centre is constructed. The pop-up cycleways will be removed, once the permanent Oxford Street cycleway is constructed and open for use, or by 31 May 2026.

## Need for the proposal

On 17 May 2021, the City resolved to extend the operation of the pop-up cycleways for a further two (2) years, expiring on 16 May 2023. However, as a safe alternate route is not in place, in order to extend the operation of the Moore Park Road and Fitzroy Street pop-up cycleways until the NSW Government completes construction of the Oxford Street Cycleway between Taylor Square and Centennial Park and is open for use, further approval under Part 5 of the *Environmental Planning and Assessment Act, 1979* is required.

"Future Transport 2056 has a Greater Sydney customer outcome of 'Walking or cycling is the most convenient option for short trips around centres and local areas, supported by a safe road environment and suitable pathways'.

In 2007, The Council of the City of Sydney released the City of Sydney Cycling Strategy and Action Plan and adopted its update in 2018 to 2030. This document outlines the City's commitment to making cycling an equal first choice transport mode along with walking and using public transport and to providing safe and connected bicycle routes that can be used by people of all ages and abilities.

As described above, The City of Sydney is seeking approval to continue the operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways beyond their current planning approval of May 2023, for a further three (3) years until 31 May 2026 or the

permanent Oxford Street Cycleway between Taylor Square and Centennial Park constructed by the NSW Government is operational, whichever comes first.

## Statutory and planning framework

Section 2.109 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) applies to the pop-up cycleways and allows The Council of the City of Sydney, as a public authority, to authorise a continuation of the operation and use of the pop-up cycleways without the need to obtain development consent.

Notwithstanding, the continued operation and use of the pop-up cycleways is an "activity" within the meaning of Section 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on the basis that subclause 5.1(2)(d) of the EP&A Act defines the *use of land* as an "activity". Section 5.5 of the EP&A Act states a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

As such, the proposal is being assessed under Part 5 of the EP&A Act and a Review of Environmental Factors (REF) has been prepared.

## Community and stakeholder consultation

Prior to the installation of the pop-up cycleways by TfNSW, the City of Sydney the residents and occupants of all premises along the cycleway alignment were notified of the proposed pop-up cycleways and were provided with an opportunity to provide feedback.

The City of Sydney collected and monitored feedback related to the impacts of the pop-up cycleways on street users and the broader community for the period 24 August 2020 to 16 November 2020.

In addition, 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.

The local community support for these projects, as measured by the sentiment in comments submitted to Sydney Your Say raised specific issues. 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. 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.

Then, to inform the REFs that were prepared in relation to the for the two (2) year extension, a community consultation was carried out between 12 March and 9 April 2021. A total of 2250 letters for Moore Park Road and 3900 letters for Fitzroy Street were sent to affected residents and businesses.

The City received a total of 172 submissions in response to both the Moore Park Road and Fitzroy Street pop-up cycleways, including 144 survey responses to the *sydneyoursay.com.au* site and 28 email submissions. Of these submissions, 55 responses were in support, 43 opposed and 74 gave qualified responses and suggestions.

A further community consultation will be undertaken with respect to the current proposal to further extend the approval and operation of the pop-up cycleways, including exhibition of this draft REF.

**To be completed following Community Consultation / Exhibition of REF.**

## Environmental impacts

The main environmental impacts arising from the continued operation and use of the pop-up cycleways include:

- Traffic, parking and access impacts;
- Accessibility and safety issues;
- Visual amenity impacts; and
- Potential community concerns.

## Justification and conclusion

Independent research by leading economic researcher, AECOM, indicates that the Inner City Regional Bicycle Network will provide access for 1.2 million people in 164 suburbs and across 11 local government areas. AECOM also estimates that the bicycle network is likely to deliver a net economic benefit of \$506 million (in today's dollars over a 30 year period, and that every dollar spent on delivering the interconnected cycleway will generate an economic return of \$3.88.

The creation of a comprehensive, co-ordinated and practical bike network across the local government area, and connecting to cycleways in adjoining local government areas, will benefit current and future cyclists and the wider community. Benefits include improvements to environmental and health conditions, reductions in traffic congestion and enhanced motorist, cyclist and pedestrian safety.

These pop-up cycleways are consistent with the aims of *Sydney's Cycling Future* as they improve the safety of and facilities for cyclists across the City. The project is also aligned with the NSW Government's Principal Bike Network for inner Sydney and provide temporary alternate route in Sydney's bike network between the eastern suburbs and the city centre.

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*Appendix A*      Consideration of Matters of National environmental significance

*Appendix B*      Aboriginal and Historical Heritage Due Diligence Assessment

# 1 Introduction

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## 1.1 Proposal identification

The City of Sydney is seeking to extend the operation and use of the existing pop-up cycleways along Moore Park Road, Paddington and Fitzroy Street, Surry Hills, that were constructed under the *Environmental Planning and Assessment (COVID-19 Development – Temporary Cycleways) Order 2020*.

The pop-up cycleways were installed by Transport for NSW (TfNSW) between 9 June 2020 and 8 August 2020 and form an important link between the eastern suburbs and the city centre, connecting existing major regional cycling routes from Randwick, Bondi Junction and Moore Park. The cycleways opened for use on 11 August 2020, with the responsibility for ongoing management given to the City of Sydney.

The Moore Park Road pop-up cycleway extends from the intersection of Moore Park Road, Lang Road and Oxford Street and traverses the southern side of Moore Park Road (westbound) to the intersection with Anzac Parade and Flinders Street. The cycleway is two-way and approximately 1.3 km in length and has been constructed within the road carriageway using a combination of Klemmfix18 barriers and concrete medians to separate the cycleway from the trafficable lane, together with line and paint markings and signage. A small section located on the western extent (approximately 350m between Driver Avenue and South Dowling Street) is shared with an existing pedestrian path. At the signalised intersection of Moore Park Road and Driver Avenue, the existing pram ramp has been widened, and cycle lanterns have been added to the traffic signals.

The Fitzroy Street pop-up cycleway is also two-way and extends for a distance of approximately 185m from the intersection of South Dowling Street along the southern side of Fitzroy Street, terminating just before the intersection with Bourke Street where it merges onto the existing shared path. Cyclists are then required to cross at the pedestrian crossing to access the Bourke Street Cycleway running along the western side of Bourke Street. This cycleway has also been constructed using Klemmfix18 barriers, concrete medians, line and paint markings and signage.

The two pop-up cycleways connect the existing Bourke Street cycleway to the west with the Centennial Park cycleway along Oxford Street to the east.

The NSW Government funded the design and construction of a new permanent cycleway by the City of Sydney along Oxford Street between Taylor Square and Liverpool Street and along Liverpool Street between Oxford Street and Castlereagh Street. The NSW Government announced it will implement a new permanent cycleway along Oxford Street between Taylor Square and Centennial Park.

The retention and continued operation of the Moore Park Road and Fitzroy Street pop-up cycleways will maintain a safe and segregated connection for people riding between the eastern suburbs and the city until a permanent facility along Oxford Street between Centennial Park and the City Centre is constructed. The pop-up cycleways will be removed, once the permanent Oxford Street cycleway is constructed and open for use, or by 31 May 2026.

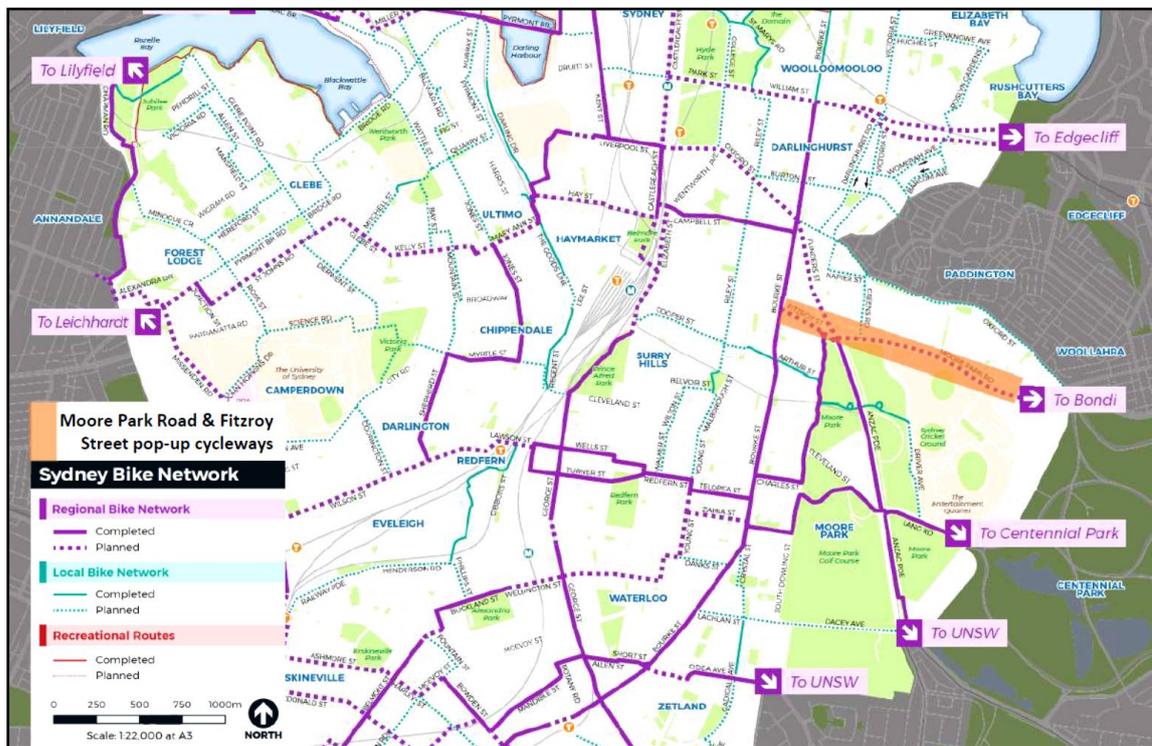
On 17 May 2021, the City resolved to extend the operation of the pop-up cycleways for a further two (2) years, expiring on 16 May 2023. However, a safe alternate route is not in place. In order to extend the operation of the Moore Park Road and Fitzroy Street pop-up cycleways until the Oxford Street Cycleway until the NSW Government completes construction of the Oxford Street cycleway between Taylor Square and Centennial Park and it is open for use, further approval under Part 5 of the *Environmental Planning and Assessment Act, 1979* is required.

Although no construction work is necessary to continue the operation of the pop-up cycleways,

maintenance works such as replacement of safety barriers, or re-painting / linemarking may be required.

Figure 1.1 shows the location of the Moore Park Road and Fitzroy Street pop-up cycleways.

Figure 1.1 – Moore Park Road & Fitzroy Street Pop-up Cycleways Location



Source: City of Sydney

## 1.2 Purpose of the report

This Review of Environmental Factors (REF) has been prepared by Andrew Robinson Planning Services Pty Ltd (ARPS) on behalf of The Council of the City of Sydney (the City).

The purpose of the REF is to describe the proposal, to document the likely impacts of the proposal on the environment, and to detail protective measures to be implemented in order to reduce or avoid potential environmental impacts.

The description of the proposed 'activity' and associated environmental impacts have been undertaken in context of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2021* (EP&A Regs), applicable environmental planning instruments and other relevant environmental legislation including the Commonwealth's *Environment Protection and Biodiversity Conservation Act 2016* (EP&BC Act). In so doing, the REF goes to fulfilling the requirements of Section 5.5 of the EP&A Act, namely that the Council of the City of Sydney "examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity."

## 1.3 Structure of the REF

The REF is divided into the following sections:

- Introduction (Section 1) – introduces the proposal and purpose of the report;
- Need and options considered (Section 2) – provides a description of the need for the project and describes the alternatives considered prior to choosing the preferred option to further continue the operation and use of the pop-up cycleways until the permanent Oxford Street Cycleway between Taylor Square and Centennial Park is constructed and operational;
- Description of the proposal (Section 3) – provides a detailed description of the pop-up cycleways, including the traffic management measures that have been implemented in order to minimise the impacts of the continued operation and use of the pop-up cycleways;
- Statutory and planning framework (Section 4) – provides information on the statutory and planning policy requirements for the proposal;
- Stakeholder and community consultation (Section 5) – provides information on the stakeholder and community consultation undertaken in relation to the pop-up cycleways;
- Environmental assessment (Section 6) – describes the existing environment and the potential environmental impacts, including an assessment of the matters to be considered under Clause 171(2) of the *Environmental Planning and Assessment Regulation 2021*, and identifies the corresponding environmental impact minimisation and/or safeguards and management measures;
- Environmental management (Section 7) – summarises the proposed safeguards and environmental management measures to be implemented for the continued operation and use of the pop-up cycleways until the permanent Oxford Street cycleway is delivered;
- Conclusion (Section 8) – provides justification for the proposal and concluding remarks as to whether the adverse environmental impacts are balanced or outweighed by the beneficial effects of the proposal;
- Certification (Section 9) – certifies that the REF provides a true and fair review of the proposal in relation to its potential effects on the environment;
- References (Section 10) – contains a list of the documents used in the preparation of the REF; and
- Appendices – contains an assessment of the potential environmental impacts to the matters of National environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999*, as well as the Aboriginal and Historical Heritage Due Diligence Assessment prepared in association with the project.

## 2 Need for the proposal

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### 2.1 Project Background

TfNSW and the City of Sydney delivered seven (7) pop-up cycleways across the local government area (LGA) under the *Environmental Planning and Assessment (COVID-19 Development – Temporary Cycleways) Order 2020*, including the Moore Park Road and Fitzroy Street pop-up cycleways.

The prescribed period for approval for the pop-up cycleways under the Order ended on 31 March 2022. The Order required the pop-up cycleways to be removed no more than two (2) months after the expiry of the prescribed period, unless planning approval was given under Part 5 of the *Environmental Planning and Assessment Act, 1979*. The further approval for the cycleways relied on the relevant provisions under Division 17 of *State Environmental Planning Policy (Infrastructure) 2007* (repealed), which allowed for the use of the land for the cycleways without the need for development consent, subject to an environmental impact assessment.

Separate Reviews of Environmental Factors (REFs) for each pop-up cycleway were prepared by environmental planning consultants on behalf of the City of Sydney. The proposed continuation of the cycleways and the likely environmental impacts were described in the context of Clause 228 of the (former) *Environmental Planning and Assessment Regulation 2000*, fulfilling the requirements of Section 5.5 of the *Environmental Planning and Assessment Act, 1979* to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

The REFs for Moore Park Road and Fitzroy Street concluded that the environmental impacts associated with the continued operation of the pop-up cycleways were minor and could be appropriately managed and/or mitigated through the implementation of various environmental safeguards and mitigation measures nominated in each REF.

Following community exhibition of the draft REFs and having considered the findings of the REFs, at its meeting on 17 May 2021, the Council of the City of Sydney resolved that the CEO approve the continued operation of the pop-up cycleways for a further two (2) years, expiring in May 2023.

In order for the operation and use of the pop-up cycleways to continue beyond May 2023, and until the Oxford Street Cycleway between Taylor Square and Centennial Park is operational, further planning approval under Part 5 of the *Environmental Planning and Assessment Act, 1979* is required.

Since approval of the two (2) year extension, *State Environmental Planning Policy (Infrastructure) 2007* has been repealed and replaced by *State Environmental Planning Policy (Transport and Infrastructure) 2021*, which commenced on 1 March 2022. However, the provisions relating to road infrastructure facilities (which includes cycleways) were essentially transferred directly into the new instrument and remain relevant to the project. A discussion on the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* is provided in Section 4 of this REF.

In addition, the *Environmental Planning and Assessment Regulation 2000* was repealed and replaced by the *Environmental Planning and Assessment Regulation 2021*, commencing on 1 March 2022. Clause 228 of the former Regulation was replaced by Clause 171 of the current Regulation and the environmental factors to be taken into account by a determining authority when considering the likely impact of an activity on the environment (as set out in subclause 171(2)) have been expanded. A discussion on Clause 171 of the *Environmental Planning and Assessment Regulation 2021* is provided in Chapters 4 and 6 of this REF.

## 2.2 Strategic need for the proposal

Cycling and walking are integral to Sydney's transport future because they are the most accessible, equitable, sustainable and reliable forms of transport. Since 2007, the City of Sydney has invested in building a safe and connected bike network. This has resulted in the doubling of average cycling trips across Sydney.

In 2007, The Council of the City of Sydney released the City of Sydney Cycling Strategy and Action Plan and in 2018 adopted the updated Strategy and Action Plan 2018 to 2030. This document outlines the City's commitment to making cycling an equal first choice transport mode along with walking and using public transport and to providing safe and connected bicycle routes that can be used by people of all ages and abilities.

The *NSW State Plan* and the (now superseded) *City of Cities: Sydney Metropolitan Strategy*, both acknowledged that cycling has a significant role to play in the NSW Government's pursuit of a number of initiatives aimed at decreasing car dependence and improving the environment.

Walking and cycling are also key means to supplement the public transport network and reduce demand on the road system while physical distancing measures are necessary in response to pandemics. 'Future Transport 2056' identifies Transport for NSW's (TfNSW) vision to create a cycleway network connecting strategic centres and local centres, (known as the Principal Bicycle Network) over the next 20 years. Further, 'Future Transport 2056' has a Greater Sydney customer outcome of 'Walking or cycling is the most convenient option for short trips around centres and local areas, supported by a safe road environment and suitable pathways'.

As part of its Bike Network, the City of Sydney proposes to continue the operation of the existing two-way separated pop-up cycleways along Moore Park Road and Fitzroy Street beyond their current planning approval which expires in May 2023. The intent is that the pop-up cycleways will remain operational until a permanent cycleway along Oxford Street between Taylor Square and Centennial Park is delivered by the NSW Government. The pop-up cycleways will then be removed and the traffic and parking environment along both streets will be returned to its previous pre-Covid pandemic condition.

## 2.3 Strategic context for the proposal

For several years now, the NSW Government has formally recognised the importance of cycling, together with walking, in the creation of sustainable neighbourhoods and cities. Furthermore, the government has purported the view that urban planning has a valuable role to play in improving cycleability and walkability, as it influences urban form, which sets the scene for cycleability and walkability for decades to come. The underlying foundation of this view is that improving practice in planning for cycling and walking will create more opportunities for people to live in places with easy cycling and walking access to urban services and public transport.

The following City of Sydney and NSW Government strategic plans and policies support the proposal:

### **City of Sydney Sustainable Sydney 2030-2050 Continuing the Vision**

Sustainable Sydney 2030-2050 Continuing the Vision is a vision for a green, global and connected city.

The Moore Park Road and Fitzroy Street pop-up cycleways are aligned with Sustainable Sydney 2030-2050 Continuing the Vision Strategic Direction 5 - A City for Walking, Cycling and Public Transport. The 2050 outcome is *"The city is greener and calmer, with more space*

*for people on the streets – including footpaths and cycleways. More people choose to walk, ride and use public transport. All vehicles in the city are zero emissions”.*

*5.4 More people ride more, because it is an attractive, convenient and safe option for everyday transport, Sydney by 2050*

- *A network of separated cycleways provides direct and safe access for people riding throughout the city*
- *The cycleway network is connected to desirable destinations and is shaded, legible and comfortable to use*
- *Children can safely use the cycle network to get to school and other activities*

The detailed actions to achieve the aspiration of this strategic direction are provided in the City of Sydney Cycling Strategy and Action Plan 2018-2030.

### **City of Sydney Cycling Strategy and Action Plan 2018-2030**

The City of Sydney has made a commitment to complete the regional and local bike routes included in the City of Sydney Cycling Strategy and Action Plan, including a connection between the Eastern Suburbs and the CBD. (CoS Cycling Strategy and Action Plan – for a more sustainable Sydney 2018-2030).

The City of Sydney Cycling Strategy and Action Plan 2018-2030 was developed as a second generation plan to support the Inner Sydney Regional Bike Plan that proposed a radial and cross-regional cycling network in excess of 284 kilometres stretching from Kogarah to Chatswood and from Rhodes to Watsons Bay developed in collaboration with fourteen Regional Inner Sydney Councils. A key objective for the cycling network proposed under the Plan was to provide greater connectivity and segregation (to improve safety) for cyclists between key destinations and along key arterial routes within Inner Sydney.

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.

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.

The Moore Park Road and Fitzroy Street pop-up cycleways provide a safe connection between the eastern suburbs and the city (via the connection with the Bourke Street cycleway in Surry Hills) until the permanent cycleway along Oxford Street is delivered. Once completed, the Oxford Street Cycleway, together with the Liverpool Street Cycleway (between College Street and Castlereagh Street) will provide the preferred most direct route to the City Centre. Completion of this connection partly contributes to the achievement of Priority 1 – Connecting the Network. The provision of a safe alternate route in the form of the separated pop-up cycleways is consistent with the intent of the strategy to provide greater connectivity and segregation for cyclists.

## City of Sydney Local Strategic Planning Statement

The Local Strategic Planning Statement is the Cities 20-year land use vision that links state and local strategies with our planning controls to guide development. The Local Strategic Planning statement sets out the Cities infrastructure vision and goals.

Action 11.2 says that City staff will:

*“Work with the NSW Government to plan for the transition of streets to ‘people first’ places, applying the NSW Government’s Movement and Place framework so streets are healthier, quieter, cleaner and greener with increased footpath capacity throughout the city, particularly:*

...

*b) In Central Sydney*

and...

*d) On multi-modal corridors with the priority to investigate Oxford Street, William Street, King Street/City Road, Botany Road and Parramatta Road/Broadway and their respective side streets”*

The NSW Government strategies described below are broadly supportive of the need for the proposal<sup>1</sup>.

### A Metropolis of 3 Cities

The Greater Sydney Commission’s A Metropolis of Three Cities sets the strategic direction for growth in Sydney to 2056. It aims to create a 30-minute city, where people live within 30 minutes of jobs, education and health services.

The plan includes directions and indicators that support cycling, including designing places for people; a well-connected city that is more accessible and walkable; walking and cycling paths; and an efficient city with reduced transport-related greenhouse gas emissions.

### State Infrastructure Strategy

Infrastructure NSW’s (INSW) State Infrastructure Strategy makes the following recommendation:

*Recommendation 51: “Develop a 10-year rolling program that prioritises active transport at high volume and high-profile locations in the Sydney CBD and other strategic centres, in partnership with local government”.*

The continued operation and use of these pop-up cycleways until a safe and permanent alternative has been constructed along Oxford Street will contribute to the fulfillment of INSW Recommendation 51.

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<sup>1</sup> The City is developing Sustainable Sydney 2050 in partnership with stakeholders. Initial findings and stakeholder views support significant changes to City Centre access, to allow better places to emerge as the City Centre continues to grow in employment.

## Future Transport 2056

Future Transport 2056 identifies TfNSW's vision to create a cycleway network connecting strategic centres and local centres (known as the Principal Bicycle Network and also known as the NSW Government Co-designed Bicycle Network Blueprint over the next 20 years).

Future Transport 2056 has a Greater Sydney customer outcome of 'Walking or cycling is the most convenient option for short trips around centres and local areas, supported by a safe road environment and suitable pathways' and the Principal Bicycle Network includes a cycleway on Oxford Street.

## Sydney's Cycling Future

*Sydney's Cycling Future* (TfNSW 2013) follows on from the NSW Government's Transport Master Plan and outlined how improvements to Sydney's cycle network would be made through the planning of new transport and infrastructure projects. The route of the two pop-up cycleways was identified as a strategic bicycle corridor for Connecting Inner Sydney. Further, the report notes that feedback received during the community engagement associated with the Master Plan indicates that 75% of customers felt quite, or very, safe and comfortable using separated cycleways (off road and on road).

## 3 Description of the proposal

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### 3.1 The proposal

The City of Sydney is seeking approval for a continuation of the operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways originally constructed in 2020 under the *Environmental Planning and Assessment (COVID-19 Development – Temporary Cycleways) Order 2020*. It is intended that the pop-up cycleways remain in place until the permanent cycleway along Oxford Street between Taylor Square and Centennial Park, completing the link between the eastern suburbs and the City Centre is delivered by the NSW Government.

Installed by TfNSW in 2020, the pop-up cycleways have been in operation for nearly two and a half years and usage monitoring has indicated high patronage by people riding. During February 2021, the trip counter on the Moore Park Road cycleway installed by TfNSW recorded an average of 1,915 trips per week. This increased to 2,165 trips during the first week of March 2021. More recent trip count data indicates that in the first week of December 2022, 3,218 trips were recorded. The current weekday trip average recorded at the counter on Moore Park Road near Oatley Road is 500 trips per day Monday to Friday and 360 trips on Saturdays and Sundays. This data suggests that usage has increased over time and supports the continued operation of these pop-up cycleways.

A description of the existing pop-up cycleways is provided below:

#### Moore Park Road Pop-up Cycleway

A two-way cycleway separated from traffic by a combination of Klemmfix 18 barriers and concrete medians, line and paint markings and signage, running along the southern kerbside lane of Moore Park Road between Oxford Street/Lang Road and Driver Avenue.

- Start: Junction of Oxford Street, Lang Road and Moore Park Road, Paddington
- Finish: Junction of Moore Park Road and Driver Avenue, Paddington
- Length: 1.0km (approx.)

The pop-up cycleway has been installed within the kerbside west bound lane of Moore Park Road. Prior to installation of the cycleway the existing parking and loading arrangements for this lane included:

- 77 x unrestricted parking spaces;
- 23 x 1P (8.00am-10.00pm) 'permit holders excepted' parking spaces;
- 2 x loading zones; and
- 1 x accessible parking space.

However, this parking provision is subject to clearway restrictions between Poate Road and ANZAC Parade during special events at Moore Park.

#### Fitzroy Street Pop-up Cycleway

A two-way cycleway separated from traffic by a combination of Klemmfix 18 barriers and concrete medians, line and paint markings and signage, running along the west bound kerbside lane (formerly a bus lane) of Fitzroy Street between just east of South Dowling Street and Bourke Street.

- Start: Just east of South Dowling Street, Surry Hills
- Finish: Junction of Fitzroy Street and Bourke Street, Surry Hills
- Length: 185 metres (approx)

Prior to installation of the cycleway this lane operated as a bus lane Monday to Friday between 6am and 10am and between 3pm and 7pm. A bus stop was located midway between South Dowling Street and Bourke Street, opposite Hutchinson Street. Outside the bus lane restrictions, the lane operated as an additional westbound trafficable lane. The footpaths on both sides of the road were designated shared paths.

The bus stop on the southern side of Fitzroy Street, at the intersection of Hutchinson Street (approximately halfway between South Dowling Street and Bourke Street) was initially retained and a bus platform was installed across the cycleway to allow passengers to safely board and alight from buses. Bus marshals were engaged to facilitate awareness and passenger access. However, following several weeks of operation the bus operator requested that the bus stop be temporarily closed. Decisions regarding the bus stop is the jurisdiction of the NSW Government.

In order to provide improved safety for cyclists, pedestrians and motorists, the speed limit along the length of both pop-up cycleways has been reduced from 50km/h to 40km/h and it is anticipated that this sign posted speed limit will remain in force for the duration of the operation of the cycleways. Decisions regarding the posted speed limit is the jurisdiction of the NSW Government.

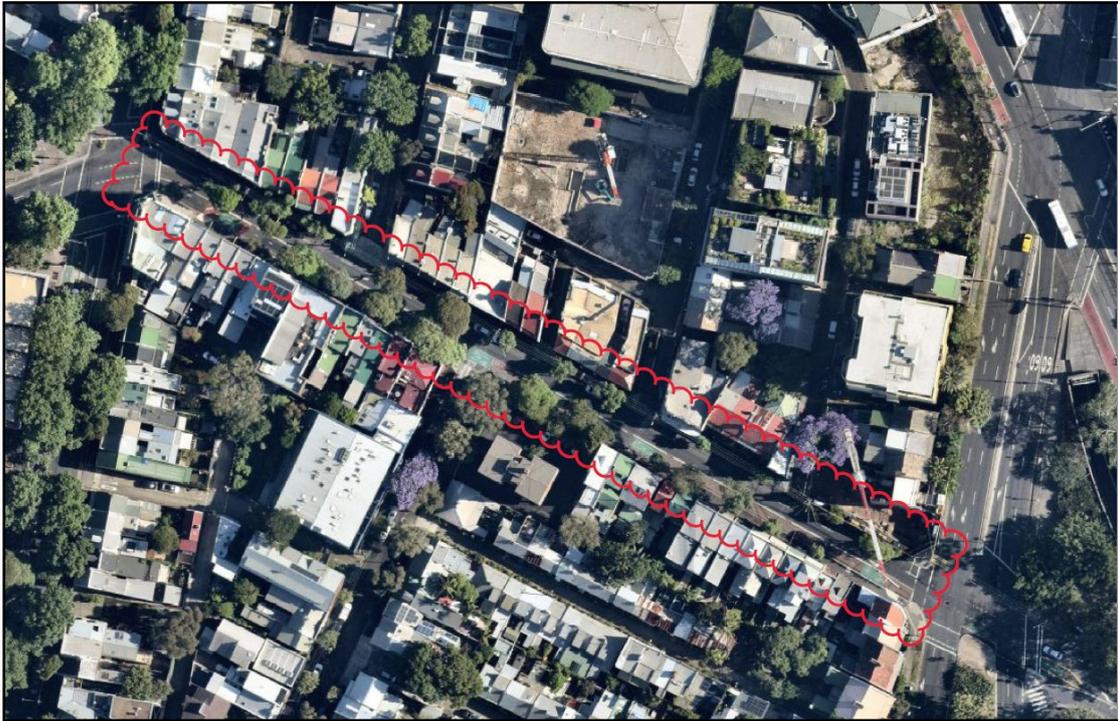
An aerial view of the route of the pop-up cycleways is provided in *Figures 3.1 and 3.2* below:

*Figure 3.1: Aerial view of the route of the Moore Park Road pop-up cycleway*



Source: nearmap.com

*Figure 3.2: Aerial view of the route of the Fitzroy Street pop-up cycleway*



Source: nearmap.com

The photographs below provide a series of views of the existing pop-up cycleways.



*Photograph 1: View of the eastern end of the cycleway near Cook Road.*



*Photograph 2: View looking west along Moore Park Road towards Poate Road.*



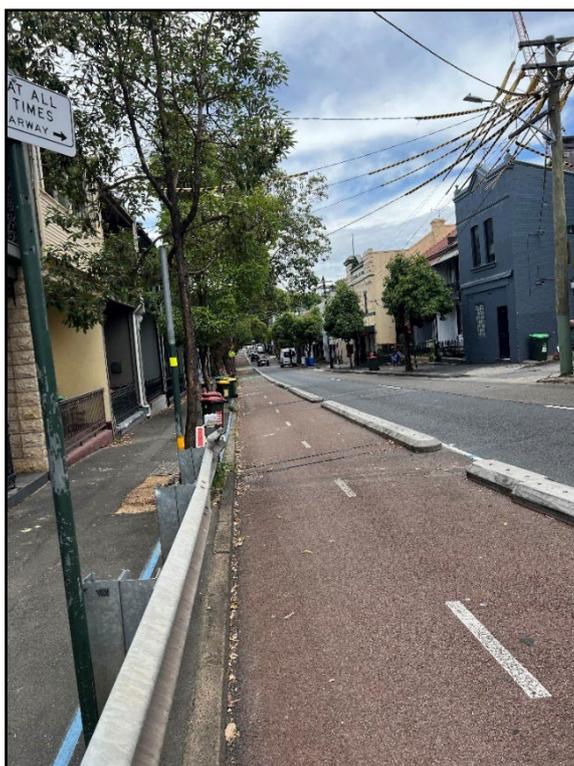
*Photograph 3: View looking west opposite Oatley Road, where the cycleway becomes a shared path for a short distance across this intersection.*



*Photograph 4: View looking across South Dowling Street to the start of the Fitzroy Street cycleway.*



*Photograph 5: View looking west along the Fitzroy Street cycleway near South Dowling Street.*



*Photograph 6: View looking west along the Fitzroy Street cycleway towards Hutchinson Street.*

### 3.1.1 Consideration of Options

As described earlier, the Moore Park Road and Fitzroy Street pop-up cycleways were initially installed and intended as a temporary cycleway to facilitate physical distancing and safe cycling to support travel during the COVID-19 recovery. Seven (7) pop-up cycleways were installed across the City of Sydney LGA in locations where either:

- 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.

However, based on the high usage recorded on the Moore Park Road cycleway, maintaining an alternate and dedicated cycling route between the eastern suburbs and the City until the permanent Oxford Street cycleway is delivered is considered a safety precaution. The REFs prepared to inform the decision to grant a two (2) year extension to the operation of the cycleways until May 2023 the following options were considered:

- Option 1 – ‘Do-nothing’; or
- Option 2 – continued operation of Moore Park Road pop-up cycleway (preferred option).

### Do-nothing Option

If further approval for the pop-up cycleways on Moore Park Road and Fitzroy Street was not sought, then they would have to be removed and the traffic and parking environment returned to its previous state at the lapse of *COVID-19 Development – Temporary Cycleways Order (2020)*.

The do-nothing option was not the preferred option as it would have removed a connected and safe cycling link that has encouraged an increase in cycling along the route between the City Centre and Eastern Suburbs as per the NSW Government's strategic objectives under the NSW State Plan and the (superseded) City of Cities: Sydney Metropolitan Strategy, both of which acknowledged the significant role that cycling plays in the NSW Government's pursuit of a number of initiatives aimed at decreasing car dependence and improving the environment. The do-nothing option would also reverse the positive impacts and benefits of the current cycleway and disrupt an established pattern of use.

A 'do nothing' option would therefore have both a short-term and long-term negative impact.

### Continued Operation Option

Continued operation of the Moore Park Road and Fitzroy Street cycleways was considered the preferred option as it assists in providing a connected and safe east-west cycling link between the eastern suburbs and the City that would encourage cycling within the inner city region and, therefore directly meets the strategic objectives identified above.

Retention of the pop-up cycleway arrangements provides a greater alignment with the stated strategic direction of transport in Sydney and a consistent, stable adjustment for road network users across all transport modes towards those strategic goals.

Continued operation would also result in the positive impacts and benefits of the current cycleway operation being extended for a further period. This meant that the removal of parking spaces on the westbound kerb of Moore Park Road, west of Poate Road, the daytime restrictions of parking between Cook Road and Poate Road, and the loss of the bus lane and use of the bus stop on Fitzroy Street would continue. However, these impacts were considered to be outweighed by the overall positive impacts of the availability and use of the cycleways.

These options remain relevant to the current proposal to further extend the approved operation of the pop-up cycleways until the permanent Oxford Street Cycleway is delivered. For the reasons outlined above, it is considered that the 'Do nothing option' is still not the preferred option, as the benefits to the safety and encouragement for cycling as a viable mode of transport continue to outweigh the alternative, where people using these routes would be returned to the mixed traffic environment.

It is noted that several mitigation measures were put in place to address various traffic and parking impacts. In particular, to address the loss of overnight on-street parking at the eastern half of Moore Park Road (34 spaces designated as "1P 7pm-6am Permit Holders Excepted Area 13" on Moore Park Road just west of Cook Road) have been implemented, reducing this section of Moore Park Road to a single westbound lane overnight. The continuation of these temporary conditions until the permanent cycleway on Oxford Street is delivered is considered appropriate. Likewise, the loss of the Fitzroy Street bus lane and bus stop for an additional period does not cause an unacceptable impact on access to public transport.

### 3.1.2 Decommissioning / Removal of the Pop-up Cycleways

Following the construction and commencement of operation of the permanent Oxford Street Cycleway, or by 31 May 2026 the pop-up cycleways on Moore Park Road and Fitzroy Street will be removed.

The following scope of works will be required in order to decommission the pop-up cycleways and return Moore Park Road and Fitzroy Street to their pre-COVID pandemic condition:

Moore Park Road/Lang Road left-turn slip lane reinstatement

- Removal of barriers
- Reinstall line making and signage
- Removal of the two (2) ramps for the bike lane crossing the left-turn slip lane next to Moore Park Road and reinstall the kerbs and gutter (as shown in the photograph below).



*Photograph 7: View looking at slip lane from Lang Road to Moore Park Road.*

Moore Park Road – between Cook Road and Poate Road (adjacent to overnight parking)

- Removal of precast kerbs
- Removal of concrete bike ramp, green surfacing and bike logos on the road pavement
- Patch asphalt
- Reinstall kerb and gutter
- Reinstall line making and signage
- Reinstall parking lane

Moore Park Road - between Poate Road and Driver Avenue

- Removal of precast kerbs
- Removal of concrete bike ramp, green surfacing and bike logos on the road pavement
- Patch asphalt
- Reinstall kerb and gutter
- Reinstall line making and signage
- Reinstall parking lane

Fitzroy Street between ANZAC Parade and Bourke Street

- Removal of precast kerbs/Klemmfix barriers
- Removal of concrete bike ramp, green surfacing and bike logos on the road pavement
- Patch asphalt
- Reinstall kerb and gutter

- Reinstate line making and signage
- Reinstate parking lane

### 3.1.3 Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) is an important inter-agency crime prevention program that reduces crime opportunity through effective planning, urban design and place management. The NSW Police Service program, known as Safer by Design is based on the principles of CPTED.

The Department of Planning & Environment (then PlanningNSW) released guidelines under (the former) Section 79C of the *Environmental Planning and Assessment Act 1979* which were prepared to assist Councils in identifying crime risk and minimise opportunities for crime through appropriate assessment of development proposals.

The Guidelines uses Crime Prevention through Environmental Design (CPTED) which is a crime prevention strategy and focuses on reducing the opportunities for crime through the planning, design and structure of the built environment.

Predatory offenders often make cost-benefit assessment of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits.

This is achieved through the creation of environmental and social conditions that:

- Maximise the risk to offenders through increasing the likelihood of detection and challenge;
- Maximise the effort require to commit an offence;
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards).

Minimise the opportunity to facilitate inappropriate behaviour and excuse making opportunities (removing conditions that encourage/facilitate the rationalisation of inappropriate behaviour).

Part B of the Guidelines sets out four principles to be used in the assessment of development applications to minimise the opportunity for crime. Each of the strategies aim to create the perception or reality of 'capable guardianship'. The four (4) principles are discussed below:

#### Surveillance

People feel safe in public areas when they can see and interact with others, particularly people connected with that space, such as shopkeepers or adjoining residents. Criminals are often deterred from committing crime in places that are well supervised.

Providing effective surveillance along the cycleway route can assist in reducing the attractiveness of crime targets. Surveillance of an area can be achieved through both natural and technical means.

Passive surveillance, where people can see what others are doing, creates a sense of safety within an environment and provides opportunities for interaction between individuals. This, together with high levels of passive surveillance, greatly assist in deterring offenders from committing crime.

Adjacent land uses along the route of both cycleways are a mix of residential and non-residential and there are good opportunities for casual surveillance along the route from occupants of these adjacent land uses and by other road users.

Street and/or public domain lighting that satisfies the relevant Australian Standards is currently provided along the routes and provides a high degree of lighting for cyclists, and other road users.

### Access Control

By clearly defining areas accessible to the public and providing physical and symbolic barriers to attract and channel the movement of people, it will be difficult for offenders to reach victims and opportunity to commit crime will be minimised.

Access control treatments restrict, channel and encourage people into, out of and around the development.

Natural access controls includes the tactical use of design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. Although not considered necessary for the proposed cycleway, formal or organised access controls can include on-site guardians such as employed security guards.

The pop-up cycleways are clearly identifiable as formal cycling routes, with median separators and appropriate linemarkings and threshold / intersection treatments, and will effectively move cyclists along the route, minimising opportunities for interruption during travel, or deviation from the delineated route.

Safety / warning linemarkings and surface treatments, as well as intersection treatments such as the addition of 'bike lanterns' at signalised intersections along the route provide an appropriate degree of user safety and management between cyclists and motor vehicles.

### Territorial Reinforcement

Defining what is public and private territory assists in determining the function of a space and the appropriate behaviour within a space. This definition enhances the informal security presence within and around a site or facility. Territorial reinforcement is achieved through the creation of a "sphere of influence" by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of a public facility such as a cycleway to develop a sense of proprietorship over it.

Community ownership of public space sends positive signals to the community. Places that feel owned and cared for are likely to be used, enjoyed and revisited. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers and criminals rarely commit crime in areas where the risk of detection and challenge are high. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it.

In this regard, the pop-up cycleways are clearly defined as a public space that cyclists will take a sense of proprietorship over.

### Space Management

Neglected and/or poorly maintained buildings and/or areas are often more susceptible to criminal activities such as vandalism.

Space management involves the formal supervision, control and care of a facility. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety.

Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

Ongoing care and management of the pop-up cycleways will promote the message that both the community and cyclists / other users respect this environment. Through the appropriate maintenance and care over the cycleways and surrounds, including repairing vandalism as it occurs and retaining and improving when needed, cyclist facilities including lighting, will ensure that the cycleways are appropriately utilised and well cared for.

The City of Sydney is responsible for the ongoing management and maintenance of both pop-up cycleways.

## 4 Statutory and planning framework

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### 4.1 Environmental Planning & Assessment Act 1979

The *Environmental Planning & Assessment Act, 1979* (EP&A Act) provides the statutory framework for planning and environmental assessment in NSW. It contains two parts that impose requirements for planning approval:

- Part 4 generally provides for the control of local ‘development’ that requires development consent from local council.
- Part 5 provides for the control of ‘activities’ that do not require development consent and are undertaken or approved by a determining authority.

The applicable approval process under the *Environmental Planning & Assessment Act, 1979* is generally determined by reference to the relevant environmental planning instruments and other statutory planning instruments and controls. These include *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP), the *Environment Protection and Biodiversity Conservation Act 2016*, other relevant State Environmental Planning Policies (SEPPs) and local environmental plans (LEPs).

Development consent is required to carry out development and/or works unless they fall within Section 4.1 of the *Environmental Planning & Assessment Act, 1979*.

Section 4.1 of the *Environmental Planning & Assessment Act, 1979* states that if an environmental planning instrument provides that specified development may be carried out without the need for development consent, then a person may carry the development out, in accordance with the instrument, on land to which the provisions apply. Environmental assessment of the development may nevertheless be required under Part 5 of the Act.

Further, where an environmental planning instrument specifies that certain development may be carried out as exempt development (other than development on land that is critical habitat or part of a wilderness area) such development may be carried out without the need for development consent under Part 4 of the *Environmental Planning & Assessment Act, 1979* or for environmental impact assessment under Part 5 of the Act.

*State Environmental Planning Policy (Transport & Infrastructure) 2021* is the environmental planning instrument under which the proposed ongoing use of the pop-up cycleways along Moore Park Road and Fitzroy Street may be carried out either as *exempt development*, or *development without consent*. Further discussion on the provisions of the T&I SEPP is provided at 4.2.1 below.

Notwithstanding, although the continued operation and use of the pop-up cycleways do not require development consent, they are considered to be an “activity” within the meaning of Section 5.1 of the *Environmental Planning and Assessment Act 1979* on the basis that as set out below, subclause 5.1(2)(d) of the *Environmental Planning & Assessment Act, 1979* defines the *use of land* as an “activity”.

Section 5.1 of the *Environmental Planning & Assessment Act, 1979* defines an “activity” as being:

- (a) the use of land, and
- (b) the subdivision of land, and

- (c) *the erection of a building, and*
- (d) *the carrying out of a works, and*
- (e) *the demolition of a building or work, and*
- (f) *any other act, matter or thing referred to in Section 26 that is prescribed by the regulations for the purposes of this definition,*

*but does not include:*

- (g) *any act, matter or thing for which development consent under Part 4 is required or has been obtained, or*
- (h) *any act matter or thing that is prohibited under an environmental planning instrument, or*
- (i) *exempt development, or*
- (j) *development carried out in compliance with an order under Division 2A of Part 6, or*
- (k) *any development of a class or description that is prescribed by the regulations for the purposes of this definition.*

The ongoing operation and use of the land for the Moore Park Road and Fitzroy Street pop-up cycleways is therefore an “activity” for the purposes of Part 5.

A determining authority is defined in Section 5.1 of the Act as “a Minister or public authority and, in relation to any activity, means the Minister or public authority by or on whose behalf the activity is or is to be carried out or any Minister or public authority whose approval is required in order to enable the activity to be carried out”.

The term ‘public authority’ is defined in Section 1.4 of the *Environmental Planning & Assessment Act, 1979* as follows:

- (a) *a public or local authority constituted by or under an Act;*
- (b) *a government Department;*
- (c) *a statutory body representing the Crown;*
- (d) *a chief executive officer within the meaning of the Public Sector Management Act 1988 (including a Director General);*
- (e) *a statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989;*
- (f) *a chief executive officer of a corporation or subsidiary referred to in paragraph (e); or*
- (g) *a person prescribed by the regulations for the purposes of this definition.*

The Council of the City of Sydney is a public authority constituted under the *Local Government Act 1993*. Accordingly, the City of Sydney is deemed to be the determining authority for the proposal in accordance with Part 5 of the Act.

Section 5.5 of the *Environmental Planning & Assessment Act, 1979* states a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

In addition, the determining authority must also take into account the matters outlined in Clause 171 of the *Environmental Planning and Assessment Regulation 2021*, which provides as follows:

- (1) *When considering the likely impact of an activity on the environment, the determining authority must take into account the environmental factors specified in the environmental factors guidelines that apply to the activity.*
- (2) *If there are no environmental factors guidelines in force, the determining authority must take into account the following environmental factors—*
- (a) the environmental impact on the community,*
  - (b) the transformation of the locality,*
  - (c) the environmental impact on the ecosystems of the locality,*
  - (d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality,*
  - (e) the effects on any locality, place or building that has—*
    - (i) aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or*
    - (ii) other special value for present or future generations,*
  - (f) the impact on the habitat of protected animals, within the meaning of the Biodiversity Conservation Act 2016,*
  - (g) the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air,*
  - (h) long-term effects on the environment,*
  - (i) degradation of the quality of the environment,*
  - (j) risk to the safety of the environment,*
  - (k) reduction in the range of beneficial uses of the environment,*
  - (l) pollution of the environment,*
  - (m) environmental problems associated with the disposal of waste,*
  - (n) increased demands on natural or other resources that are, or are likely to become, in short supply,*
  - (o) the cumulative environmental effect with other existing or likely future activities,*
  - (p) the impact on coastal processes and coastal hazards, including those under projected climate change conditions,*
  - (q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,*
  - (r) other relevant environmental factors.*
- (3) *A determining authority must prepare a review of the environmental factors that demonstrates how the environmental factors specified in the environmental factors guidelines, or the environmental factors specified in subsection (2) if no guidelines are in force, were taken into account when considering the likely impact of an activity.*
- (4) *The review of environmental factors must be published on the determining authority's website or the NSW planning portal if—*
- (a) the activity has a capital investment value of more than \$5 million, or*
  - (b) the activity requires an approval or permit as referred to in any of the following provisions before it may be carried out—*
    - (i) Fisheries Management Act 1994, sections 144, 200, 205 or 219,*
    - (ii) Heritage Act 1977, section 57,*
    - (iii) National Parks and Wildlife Act 1974, section 90,*
    - (iv) Protection of the Environment Operations Act 1997, sections 47–49 or 122, or*

(c) the determining authority considers that it is in the public interest to publish the review.

(5) The review must be published under subsection (4)—

(a) before the activity commences, or

(b) if publishing the review before the activity commences is not practicable—as soon as practicable, and no later than 1 month, after the activity commences.

(6) Subsection (4) does not apply in relation to a review of an activity—

(a) that belongs to a class specified by the Planning Secretary in a notice published on the Department's website for the purposes of this section, or

(b) to which an approved code under Division 6 applies.

(7) If a provision of an approved code under Division 6 applies to a determining authority's exercise of functions under the Act, section 5.5, the provision of the approved code prevails to the extent of an inconsistency with a provision of this section.

(8) Subsection (4) applies on and from 1 July 2022.

The matters set out in subclause 171(1)(2) are discussed in *Appendix A* of this REF.

*Guidelines for Division 5.1 assessments* was issued by the Department of Planning and Environment in June 2022 and explains what both proponents and determining authorities need to do to undertake a Division 5.1 assessment. This Review of Environmental Factors has been prepared in accordance with these guidelines to enable the City to assess the environmental impacts of the continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways and to determine whether this activity is likely to have a significant impact on the environment.

As described previously, Section 5.5 of Part 5 of the *Environmental Planning & Assessment Act, 1979* relates to the duty to consider environmental impact and subclause (1) states:

*(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.*

## 4.2 Commonwealth legislation

### 4.2.1 Environment Protection and Biodiversity Conservation Act 2016

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places.

Under the *Environment Protection and Biodiversity Conservation Act 2016* (EPBC Act) a referral is required to the Australian Government for proposed 'actions that have the potential to significantly impact on matters of National environmental significance or the environment of Commonwealth land. These matters are considered in *Appendix A* of the REF.

An assessment of the proposal's impact on matters of National environmental significance and the environment of Commonwealth land found that there is unlikely to be a significant impact on relevant matters of National environmental significance. Accordingly, the proposal does not require referral to the Minister for Climate Change, Energy, the Environment and Water.

#### 4.2.2 Native Title Act, 1993

The Commonwealth Government enacted the *Native Title Act, 1993* in order to formally recognise and protect Native Title rights in Australia, following the decision of the High Court of Australia in *Mabo & Ors v Queensland (No. 2) (1992) 175 CLR 1* ("*Mabo*"). This Act is the legal recognition of Indigenous Australians' rights and interests in land and waters, according to their own traditional laws and customs.

Although there is a presumption of Native Title in any area where an Aboriginal community or group can establish a traditional or customary connection with that area, there are a number of ways that Native Title is taken to have been extinguished. For example, land that was designated as having freehold title prior to 1 January 1994 extinguishes Native Title, as does any commercial, agricultural, pastoral or residential lease. Further, land that has been utilised for the construction or establishment of public works also extinguishes any Native Title rights and interests for as long as they are used for that purpose.

A search of the Register of Native Title Claims on the National Native Title Tribunal website indicates that there have been no claims made in relation to the land on which the Moore Park Road and Fitzroy Street pop-up cycleways are located. Further, an AHIMS search carried out on 16 December 2022 identified two (2) recorded Aboriginal sites in the vicinity of the cycleways. However, neither site was proximate such that the cycleways would have any impact on their significance. No Aboriginal places have been declared along the route of the cycleways.

Further, the pop-up cycleways are situated in a highly modified urban area and Moore Park Road and Fitzroy Street have been used for the movement of vehicles and pedestrians for many years, such that the continued operation and use of the cycleways is unlikely to conflict with any of the provisions of the *Native Title Act, 1993*.

### 4.3 State Legislation

#### 4.3.1 Roads Act, 1993

Section 138 (Works and Structures) of the *Roads Act 1993* requires the consent of the roads authority to be obtained prior to any works occurring within a road reserve. Although the City of Sydney is the local roads authority, the provisions of Section 138 apply to any employee of the roads authority as it applies to any other person.

Subsection 138(1) is reproduced below:

*(1) A person must not—*

- (a) erect a structure or carry out a work in, on or over a public road, or*
- (b) dig up or disturb the surface of a public road, or*
- (c) remove or interfere with a structure, work or tree on a public road, or*
- (d) pump water into a public road from any land adjoining the road, or*
- (e) connect a road (whether public or private) to a classified road,*

*otherwise than with the consent of the appropriate roads authority.*

The land on which Moore Park Road and Fitzroy Street are located is owned by the City of Sydney. Both roads are 7000 series Regional Roads (those regional roads that are not classified as Highway, Main Road, Secondary Road or Tourist Road under the Roads Act). As such, the City is the appropriate roads authority.

Notwithstanding, TfNSW constructed the pop-up cycleways on behalf of the City and Council has been in continual discussions with TfNSW throughout the operational phase of the cycleways with respect to various traffic and parking management issues.

As the continued operation and use of the pop-up cycleways does not comprise one of the actions listed above, the consent of the roads authority does not need to be obtained. However, the continued operation of the cycleways beyond their current approval of May 2023 will be subject to a Council resolution.

#### 4.3.2 Heritage Act, 1977

The *Heritage Act 1977* is the primary piece of State legislation affording protection to items of cultural heritage in NSW. Under the Heritage Act, 'items of environmental heritage' include places, buildings, works, relics, moveable objects and precincts identified as significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. State significant items are listed on the SHR and are given protection under the Heritage Act against any activities that may damage an item or affect its heritage significance.

The carriageways of Moore Park Road and Fitzroy Street are not listed as heritage items. However, the pop-up cycleways are located within three (3) Heritage Conservation Areas listed under Sydney LEP 2012 and there are a number of State and local heritage items within the vicinity of the cycleways. No approvals under the *Heritage Act, 1977* are required and a further discussion on the potential impacts to the items of heritage significance and Heritage Conservation Areas is provided in Section 6 of this REF.

#### 4.3.3 National Parks & Wildlife Act, 1974

The *National Parks and Wildlife Act, 1974* provides for the protection of Aboriginal places and objects. Section 90 of the Act states that approval to destroy, remove or deface an Aboriginal site must be obtained prior to the commencement of works. The approval mechanism is an Aboriginal Heritage Impact Permit (AHIP), which is obtained through the Department of Planning and Environment.

However, an Aboriginal and Historical Heritage Due Diligence Assessment prepared in 2017 to inform the previous REF for the Moore Park Road pop-up cycleway was undertaken and it remain relevant. This assessment found that the location of the pop-up cycleways has been highly disturbed and the potential for Aboriginal archaeology is low. In addition, as noted earlier in the REF, a search of the AHIMS data base carried out on 16 December 2022 identified two (2) recorded Aboriginal sites in the vicinity of the cycleways. However, neither site was proximitous such that the cycleways would have any impact on their significance. No Aboriginal places have been declared along the route of the cycleways.

Having regard to the above, it is unlikely that the continued operation and use of the pop-up cycleways will have any impact on Aboriginal cultural heritage or archaeology.

#### 4.3.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

*State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) commenced on 1 March 2022 and transfers the provisions of (3) former State Environmental Planning Policies together under a single policy, including the now repealed *State Environmental Planning Policy (Infrastructure) 2007*.

Chapter 2 of the T&I SEPP relates to infrastructure and aims to facilitate the effective delivery of infrastructure across the State and in particular, by identifying the environmental assessment category into which different types of infrastructure and services development fall. The provisions of the T&I SEPP prevail over any provisions within a local environmental plan that relate to the development of roads and road infrastructure facilities identified in the T&I SEPP.

Division 17 in Part 2.3 of Chapter 2 of the T&I SEPP relates to Roads and traffic and Subdivision 1 of Division 17 (sections 2.108 to 2.115) deals with roads and road infrastructure facilities.

Section 2.109 of the T&I SEPP permits development on any land for the purpose of a 'road' or 'road infrastructure facilities' to be carried out by or on behalf of a public authority without consent. Under the definitions at section 2.108 of the T&I SEPP, 'road infrastructure facilities' include a range of facilities such as *tunnels, ventilation shafts, emergency accessways, vehicle or pedestrian bridges, causeways, road-ferries, retaining walls, toll plazas, toll booths, security systems, bus lanes, transit lanes, transitways, transitway stations, rest areas and road related areas* (within the meaning of the *Road Transport Act 2013*).

The definition of 'road related area' within Part 1.2 of the *Road Transport Act 2013* includes:

....(c) *an area that is open to the public and is designated for use by cyclists or animals, or...*

Having regard to the above, cycleways are defined as a *road related area* under the *Road Transport Act 2013* and therefore are defined as a 'road infrastructure facility'.

Notwithstanding, the use of land for the purposes of the pop-up cycleways is considered to be an "activity" within the meaning of Section 5.1 of the EP&A Act on the basis that subclause 5.1(1)(d) of the *Environmental Planning & Assessment Act, 1979* defines the *carrying out of a work* as an "activity". Section 5.1 of the EP&A Act states a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

As such, the continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways until the permanent Oxford Street Cycleway between Taylor Square and Centennial Park has been constructed by the NSW Government and is operational is being assessed under Part 5 of the EP&A Act and this Review of Environmental Factors (REF) has been prepared.

Sections 2.10 to 2.167 in Part 2 of the T&I SEPP contain provisions for public authorities to consult with local councils and other public authorities prior to the commencement of certain types of development. **Table 4.1** below outlines the issues to be considered when determining whether consultation is required, and their applicability to this proposal.

**Table 4.1: Requirements for consultation under the Transport & Infrastructure SEPP**

Issue		Consultation Required?
Section 2.10 - Consultation with Councils – impacts on Council related infrastructure or services		
1(a)	Will the development have a substantial impact on Council stormwater services?	No. As no works are required by the proposal there will be no impact on the existing stormwater drainage

		infrastructure. Notwithstanding, as the City is the proponent, there is no need for consultation.
1(b)	Is the development likely to generate traffic to an extent that will constrain the capacity of the road system?	No.
1(c)	Does the development involve connection to, and a substantial impact on a sewerage system?	No.
1(d)	Does the development involve connection to, and use of a substantial volume of water from a council-owned water supply system?	No.
1(e)	Does the development involve the installation of a temporary structure on, or the enclosing of, a council-managed / controlled public place that is likely to cause disruption to pedestrian or vehicular traffic that is not minor or inconsequential?	No. There will be ongoing temporary disruption to the usual use of the westbound lane of Moore Park Road and to Fitzroy Street while the pop-up cycleways remain in place. However, as the City is the proponent, there is no need for consultation.
1(f)	Does the development involve excavation that is not minor or inconsequential of the surface of, or a footpath adjacent to, a road for which council is the roads authority?	No.
Section 2.11 - Consultation with Councils – impacts on local heritage		
1(a)	Is the development likely to have an impact that is not minor or inconsequential on a local heritage item or a heritage conservation area?	No. The road reserves of Moore Park Road and Fitzroy Street are not listed as a heritage item under Schedule 5 of <i>Sydney Local Environmental Plan 2012</i> . However, they are located within three (3) Heritage Conservation Areas. There are also a number of heritage items in the vicinity of the pop-up cycleways. Notwithstanding, the continued operation and use of the cycleways will not adversely affect the heritage significance of the heritage items or Heritage Conservation Areas.
Section 2.12 - Consultation with Councils – impacts on flood liable land		
2	Is the development on flood liable land and will it change flood patterns other than to a minor extent?	No. The land where the pop-up cycleways are located is not mapped as part of a flood planning area under SLEP 2012.

Section 2.13 - Consultation with State Emergency Service – impacts on flood liable land	
Is the development on flood liable land such that written notice must be given to the State Emergency Service prior to any work being carried out?	No. As noted above, the land is not mapped as being within a flood planning area under SLEP 2012.
Section 2.14 - Consultation with Councils – impacts on certain lands within the coastal zone	
Is the work to be undertaken in a coastal vulnerability area and is inconsistent with a certified coastal management program applying to the land?	No.
Section 2.15 - Consultation with public authorities other than Councils	
2(a)	Is the development adjacent to land reserved under the <i>National Parks and Wildlife Act 1974</i> ? No.
2(b)	Is the development on land zoned E1 National Parks and Nature Reserves? No.
2(c)	Does the development comprise a fixed or floating structure in or over navigable waters? No.
2(d)	Is the development on land mapped as dark sky region and likely to increase artificial light in the night sky? No.
2(e)	Is the development on defence communications buffer land? No.
2(f)	Is the development on land in a mine subsidence district? No.
Section 2.16 – Consideration of Planning for Bushfire Protection	
1	Is the development for the purposes of health services facilities, correctional centres or residential accommodation, in an area that is bush fire prone land? No.

Having regard to the table above, there is no requirement for consultation with local councils and / or other public authorities under the T&I SEPP. Notwithstanding, it should be noted that the City has undertaken a process of continual consultation with TfNSW and other key authority stakeholders since the inception of the project. This included making provision to accommodate access to Allianz Stadium during events.

## 4.4 Local Environmental Plans

### 4.4.1 Sydney Local Environmental Plan 2012

The works that are the subject of this REF are located on land to which *Sydney Local Environmental Plan 2012* apply. The Moore Park Road and Fitzroy Street road reserves within which the pop-up cycleways are located are zoned R1 General Residential and B4 Mixed Use respectively. Roads are listed as permissible with consent under the Land Use Table for

both the R1 and B4 zones.

Clause 3.1 of the LEP relates to exempt development and states (in part) that *Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.*

Clause 3.2 of the LEPs relates to complying development and states (in part) that *Development specified in Part 1 of Schedule 3 that is carried out in compliance with:*

*(a) the development standards specified in relation to that development, and*

*(b) the requirements of this Part,*

*is complying development.*

Cycleways are not identified as exempt development under Schedule 2, or as complying development under Schedule 3 of the LEP. Therefore, having regard to Clauses 3.1 and 3.2 of the LEP, the pop-up cycleways would ordinarily require development consent under *Sydney LEP 2012*.

However, as identified at Clause 1.9 of the LEP, the provisions of the T&I SEPP override the provisions of *Sydney LEP 2012* and pursuant to Division 17 of the T&I SEPP, the continued use of the land for the cycleways may be carried out as *development without consent*.

## 4.5 Confirmation of statutory position

All relevant statutory planning instruments have been examined with respect to the proposal.

The continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways has been assessed as being *development without consent* under the relevant environmental planning instrument (T&I SEPP). This position relies on the operation of the T&I SEPP to remove the otherwise applicable consent requirements.

The proposal falls within the definition of an 'activity' as defined under Section 5.1 of the *Environmental Planning & Assessment Act, 1979* on the basis that subclause 5.1(1)(d) of the *Environmental Planning & Assessment Act, 1979* defines the *carrying out of a work* as an "activity". Section 5.5 of the *Environmental Planning & Assessment Act, 1979* states a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Therefore, as the cycleways were installed by TfNSW on behalf of the City of Sydney and are now operated / managed by a public authority (the City of Sydney) and they do not require development consent, they are subject to an environmental impact assessment under Part 5 of the *Environmental Planning & Assessment Act, 1979*.

## 5 Stakeholder and community consultation

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### 5.1 Consultation strategy & community involvement

Prior to the installation of the pop-up cycleways by TfNSW, the City of Sydney the residents and occupants of all premises along the cycleway alignment were notified of the proposed pop-up cycleways and were provided with an opportunity to provide feedback.

The City of Sydney collected and monitored feedback related to the impacts of the pop-up cycleways on street users and the broader community for the period 24 August 2020 to 16 November 2020.

In addition, 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.

The local community support for these projects, as measured by the sentiment in comments submitted to Sydney Your Say raised specific issues. 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. 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.

Then, to inform the REFs that were prepared in relation to the for the two (2) year extension, a community consultation was carried out between 12 March and 9 April 2021. A total of 2250 letters for Moore Park Road and 3900 letters for Fitzroy Street were sent to affected residents and businesses.

The City received a total of 123 submissions in response to the Moore Park Road pop-up cycleway, including 102 survey responses to the *sydneyoursay.com.au* site and 21 email submissions. Of these submissions, 41 responses were in support of the proposal, 37 opposed and 45 gave qualified responses and suggestions.

A total of 49 submissions were received in response to the Fitzroy Street pop-up cycleway, including 42 survey responses to the *sydneyoursay.com.au* site and 7 email submissions responses. Of these submissions 14 responses were in support of the proposal, 6 opposed and 29 gave qualified responses and suggestions.

A further community consultation will be undertaken with respect to the current proposal to further extend the approval and operation of the pop-up cycleways, including exhibition of this draft REF.

To be completed following the community exhibition of the draft REF and inclusion of any feedback received.

### 5.2 ISEPP consultation

As identified in Table 4-1 in the previous Section, consultation in accordance with the T&I SEPP is not required. Notwithstanding, there has been ongoing consultation between

Transport for NSW (TfNSW) and other relevant stakeholders and the City of Sydney since inception of the project.

### 5.3 Government agency involvement

TfNSW, the State Transit Authority (STA) and the Department of Premier and Cabinet (DPC) were consulted during the initial stages of the pop-up cycleways installations. While TfNSW will continue to be consulted, there is no requirement for any further agency involvement.

### 5.4 Ongoing or future consultation

Affected residents and business owners/operators will need to be provided with a contact name and number that they can contact should any complaints wish to be registered.

## 6 Environmental assessment

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This section of the REF provides a detailed description of the potential environmental impacts associated with the continued operation and use of the pop-up cycleways. All aspects of the environment potentially impacted upon by the proposal are considered. This includes consideration of the factors specified in *Guidelines for Division 5.1 assessments* (DP&E June 2022) as required under Clause 171(2) of the *Environmental Planning and Assessment Regulation 2021*. Site-specific environmental safeguards and management measures are provided to minimise or ameliorate the identified potential impacts.

### 6.1 Heritage (Built Environment)

#### 6.1.1 Existing environment

The Moore Park Road and Fitzroy Street road reserves do not contain any heritage items. However, there are a number of State and local heritage items listed under Schedule 5 of *Sydney Local Environmental Plan 2012* adjacent to, or in proximity to the cycleways, including:

##### Moore Park Road Pop-up Cycleway

- 'Busby's Bore, Centennial Park to College Street, Surry Hills' – State Heritage Item (SHR No. 00568)
- 'Busby's Bore or The Tunnel, Oxford Street, Sydney' – State Heritage Item (SHR No. 00568 (Register of the National Estate – No. 1795))
- 'Busby's Bore including tunnels, shafts and wells' – State Heritage Item (SLEP 11)
- 'Captain Cook Hotel including interior', 162 Flinders Street – (SLEP 11060)
- 'Terrace house 'Murilla' and stables, including front fence and interiors of house and stable', 4 Moore Park Road – (SLEP 11066)
- 'Terrace house including interior and front fence', 6 Moore Park Road – (SLEP 11067)
- 'Terrace house including interior and front fence', 8 Moore Park Road – (SLEP 11068)
- 'Terrace house including interior and front fence', 10 Moore Park Road – (SLEP 11069)
- 'Terrace house including interior and front fence', 12 Moore Park Road – (SLEP 11070)
- 'Terrace house including interior and front fence', 14 Moore Park Road – (SLEP 11071)
- 'Terrace group including interior and front fencing', 16-18 Moore Park Road – (SLEP 11072)

- 'Terrace house including interior and front fence', 20 Moore Park Road – (SLEP I1073)
- 'Terrace house including interior and front fence', 22 Moore Park Road – (SLEP I1074)
- 'Terrace house including interior and front fence', 24 Moore Park Road – (SLEP I1075)
- 'Terrace house including interior and front fence', 26 Moore Park Road – (SLEP I1076)
- 'Terrace group including interior and front fencing', 28-30 Moore Park Road – (SLEP I1077)
- 'Terrace house 'Verulam' including interior and front fence', 284 Moore Park Road – (SLEP I1078)
- 'Olympic Hotel including interior', 308 Moore Park Road – (SLEP I1079)
- 'Terrace group including interiors and front fencing', 404-408 Moore Park Road – (SLEP I1080)
- 'Victoria Barracks group', 75 Oxford Street – (SLEP I1086)

In addition, the Moore Park Road cycleway is located within the 'Moore Park' (C36) and 'Sydney Cricket Ground' (C37) Heritage Conservation Areas and is adjacent to the 'Furber Road' (C6), 'Paddington South' (C48), Victoria Barracks (C49) and 'Paddington Urban' (C50) Heritage Conservation Areas listed under Schedule 5 of *Sydney Local Environmental Plan 2012*.

#### Fitzroy Street Pop-up Cycleway

- 'Moore Park', corner of South Dowling Street and Fitzroy Street – State Heritage Item (SHR No. 01384)
- 'Cricketer's Arms Hotel', 106 Fitzroy Street – Local Heritage Item (SLEP I1540)
- 'The Hopetoun Hotel', 416 Bourke Street – Local Heritage Item (SLEP I1436)

In addition, the Fitzroy Street cycleway is located within the 'Bourke Street South' (C60) Heritage Conservation Area and adjacent to the 'Bourke Street North' (C59) Heritage Conservation Area listed under Schedule 5 of *Sydney Local Environmental Plan 2012*.

### 6.1.2 Potential impacts

The pop-up cycleways are confined to the road area only and other than any maintenance works that may be necessary during the operation of the cycleways, no construction works are required. The continued operation of the pop-up cycleways will not have any direct impact on the heritage items in the vicinity, or the Heritage Conservation Areas. Further, the cycleway fixtures are low to the ground, easily applied and reversible with no impact on any heritage fabric or element of significance across the length of both cycleways.

### 6.1.3 Safeguards and management measures

No environmental safeguards or management measures are considered necessary.

## 6.2 Aboriginal Cultural Heritage and Archaeology

### 6.2.1 Potential impacts

As described earlier in the REF, a search of the AHIMS data base carried out on 16 December 2022 identified two (2) recorded Aboriginal sites in the vicinity of the cycleways. However, neither site is in proximity such that the cycleways would have any impact on their significance. No Aboriginal places have been declared along the route of the cycleways.

An Aboriginal and historical heritage due diligence assessment was completed by EMM Sydney in 2017 during the design phase for the Moore Park Road pop-up cycleway. This assessment remains relevant as the cycleway remains in place and the alignment has not changed. A copy of the due diligence assessment is included at *Appendix B* of this REF.

It is noted that the due diligence assessment covered a wider area than the immediate surrounds of the Moore Park Road cycleway, including parts of Fitzroy Street.

The area occupied by the pop-up cycleways has been highly disturbed and as such, is considered to have low archaeological potential. As there are no construction activities proposed, and periodic maintenance activities are unlikely to require surface disturbance, the continued operation and use of the cycleways is unlikely to have the potential to harm any Aboriginal objects.

### 6.2.2 Safeguards and management measures

No environmental safeguards or management measures are considered necessary.

## 6.3 Traffic, parking and access

### 6.3.1 Existing environment

#### Moore Park Road

The cycleway is contained within the existing road reserve of Moore Park Road and utilises the southern kerbside lane for a distance of approximately 1.0km between Lang Road and Driver Avenue.

Land uses along Moore Park Road are predominantly residential on either side of the eastern half of the road. Towards the western half, in addition to residential properties there is the Victoria Barracks group of buildings, Allianz Stadium, the UTS/Rugby Australia building, hotels and various commercial buildings and Moore Park (part of the Centennial Parklands).

The cycleway is two-way and constructed using Klemmfix barriers and concrete medians to separate the cycleway from road traffic. The cycleway is designated with line and paint markings and signage. At the signalised intersection of Moore Park Road and Driver Avenue, the existing pram ramp was widened, and cycle lanterns added as part of the original installation to merge onto an existing shared path between Driver Avenue and ANZAC Parade (approx. 350m).

Two (2) trafficable westbound lanes are retained, and the speed limit has been reduced to 40km/h along Moore Park Road as a separate road safety measure implemented by TfNSW.

The 355 Bondi Junction to Marrickville bus service operates along part of Moore Park Road, between Oxford Street and Cook Road (in addition to school bus services).

Moore Park Road is subject to variable Event Mode conditions from Poate Road and Driver Avenue and is a no-stopping zone through from Driver Avenue to Anzac Parade.

To address community concerns at the loss of on-street parking along the eastern part of Moore Park Road, temporary arrangements have been implemented which reduces a section of Moore Park Road to a single westbound trafficable lane between 7pm and 6am and provides for 34 "1P 7pm-6am Permit Holders Excepted Area 13" overnight parking spaces to be provided between the points 50 metres and 255 metres west of Cook Road.

#### Fitzroy Street

Similar to Moore Park Road, the cycleway is contained within the southern kerbside lane of Fitzroy Street and is approximately 185m long between South Dowling Street and Bourke Street. The cycleway is two-way and has constructed using Klemmfix barriers and concrete medians and designated with line and paint markings and signage. The speed limit has been reduced to 40km/h for the length of the cycleway. The land uses along Fitzroy Street adjoining the cycleway include residential premises, hotels and commercial premises.

The cycleway occupies the lane that previously operated as a bus lane during am and pm peak times, but provided an additional westbound traffic lane outside these peaks. A bus stop located opposite Hutchinson Street has been temporarily closed to use. While parking is permitted in sections of the northern side of Fitzroy Street between 7pm and 6pm weekdays and on weekends, no parking is permitted on the southern side of Fitzroy Street. Between 6am and 7pm daily, a clearway operates for the northern kerbside (westbound) trafficable lane of Fitzroy Street. It is also noted that there are no vehicular entry/exits (driveways) along the southern side of Fitzroy Street that might otherwise be impacted by the continued operation of the cycleway.

The 339, 374, 376 and 391 bus service operate along Fitzroy Street. With the temporary closure of the bus stop opposite Hutchinson Street, the closest bus stop is located at the intersection of Crown and Foveaux Streets, approximately 90m south of Fitzroy Street. This bus stop is serviced by the 304 and 352 bus services, but provides access to the wider Sydney Buses network, as well as the rail network, with Central and Redfern Stations being the closest to Fitzroy Street.

### **6.3.2 Potential impacts**

#### Moore Park Road

The use of the kerbside westbound lane of Moore Park Road means that the trafficable lanes have been reduced from three (3) to two (2) to facilitate operation of the cycleway. This is further reduced overnight, with traffic flows along the section of Moore Park Road up to 255m west of Cook Street reduced to a single westbound lane between 7pm and 6pm daily, to provide 34 "1P 7pm-6am Permit Holders Excepted Area 13" overnight parking spaces. These parking arrangements have been in place for just over 12 months and is a suitable response to addressing the community concerns at the loss of parking for the duration of the operation of the cycleway.

In addition to the loss of on-street parking, to ensure the safety of cyclists, the ability to make a left turn movement from Lang Road into Moore Park Road has been removed through closure of the slip lane. This is considered to be a minor inconvenience to drivers and a left turn into Moore Park Road can still be made from Cook Road, some 100m to the west of Lang Road, accessed from Lang Road via a short detour along Mitchell Street and Cook Road. The left turn movement from Land Road into Oxford Street is not affected.

A number of other community and traffic safety concerns were raised in response to the implementation of the pop-up cycleway along Moore Park Road. Some of these issues included the loss of an accessible parking space near the intersection of Moore Park Road and Cook Street, the removal of unrestricted parking used for the drop-off / pick-up of

children from the Gumnut Gardens child care centre at 61 Moore Park Road, and the loss of a loading zone in front of the Rugby Australia building.

These concerns have been addressed through the implementation of traffic management measures and should be retained for the duration of the cycleways operation. These are set out at 6.3.3 below.

#### Allianz Stadium and Special Event Clearways

The recently reconstructed Allianz Stadium opened in August 2022 and has a seating capacity of 42,500. This state-of-the-art stadium will host a variety of sporting and entertainment events and will generate significant volumes of traffic and pedestrians.

During events street parking restrictions are in place along Moore Park Road, as well as the surrounding streets. The special event clearways are strict no-parking zones for all vehicle types and apply to residents with local parking permits of TfNSW Mobility Scheme Permit holders. However, the periodic operation of these special event clearways should not have a significant impact on the use of the cycleway.

#### Fitzroy Street

As noted earlier, the removal of the bus lane / closure of the bus stop on Fitzroy Street, together with the loss of an additional trafficable (westbound) lane outside the bus lane operational times are the most significant impacts resulting from the installation of the pop-up cycleway. The continued operation of the cycleway will have no greater impact on public transport services than currently exist. In addition, there will be no change to the use of the two westbound trafficable lanes. Minor delays may occur for motorists accessing Fitzroy Street from Nichols Street, Farnell Street, Hutchinson Street and Hutchinson Place during periods of heavy traffic turning into and out of Marshall Street. However, this is considered to be a minor impact in terms of travel delay.

### **6.3.3 Safeguards and management measures**

- The following management measures that have been implemented due to community and road/cycleway user safety concerns for the Moore Park Road cycleway are to be maintained and remain in place for the duration of the operation of the pop-up cycleway:
  - The "1P 7pm-6am Permit Holders Excepted Area 13" overnight parking arrangements on Moore Park Road between Cook Road and Poate Road;
  - The two loading zones installed in Poate Lane;
  - The accessible parking space relocated to Poate Road;
  - The three (3) P15 spaces installed near the bus stop in Cook Road;
  - The installation of bike safe grates to the kerb inlet pits;
  - The alternate loading zone for Rugby Australia installed in Poate Lane;
  - The warning sign installed in the Moore Park Road median at the intersection of Poate Road to advise motorists turning right into Poate Road that they are crossing the cycleway;

- The reduced 40km/h speed limit on Moore Park Road.

## **6.4 Noise & vibration**

### **6.4.1 Existing environment**

The existing noise environment is typical of an established urban area and heavily trafficked vehicular thoroughfare. Background noise is dominated by vehicular traffic and pedestrian and related noise.

### **6.4.2 Potential impacts**

As the pop-up cycleways are already in place, no construction work, other than any necessary period maintenance, is required. The only noise generation will be from cyclists that are using the cycleways and as such, the potential for adverse noise impacts will be negligible.

### **6.4.3 Safeguards and management measures**

No environmental safeguards or management measures are considered necessary.

## **6.5 Air quality**

### **6.5.1 Existing environment**

The air quality along the route of the cycleways is typical of an established urban environment. The main sources of air pollution are vehicle emissions.

### **6.5.2 Potential impacts**

As the pop-up cycleways are already in place, no construction work, other than any necessary period maintenance, is required. Use of the cycleways does not cause any substantive air pollutants. Therefore, the potential for adverse air quality impacts will be negligible.

### **6.5.3 Safeguards and management measures**

No environmental safeguards or management measures are considered necessary.

## **6.6 Water quality & Stormwater Drainage**

### **6.6.1 Potential impacts**

There is the potential for pollutants to be carried into the stormwater drainage system in the event of rain during construction works. Any stockpiles will need to be suitably constructed and managed to limit the potential for impacts on water quality and drainage through the mobilisation of stockpiled materials by wind or water.

### **6.6.2 Safeguards and management measures**

No environmental safeguards or management measures are considered necessary.

## **6.7 Visual amenity**

### **6.7.1 Existing environment**

The existing visual amenity along the length of both cycleways is typical of an established

urban environment comprising public open space, trafficable streets, kerbside parking, street trees and lighting and pedestrian footpaths flanked by a significant open space area (Moore Park) and a variety of buildings, including Allianz Stadium, the UTS/Rugby Australia building, the Victoria Barracks group of buildings, residential buildings, hotels and other commercial premises.

### **6.7.2 Potential impacts**

Changes to this visual environment that resulted from the installation of the pop-up cycleways include the removal of some existing on-street parking, minor changes to the configuration of the road carriageway and footpaths and the visual impacts associated with the Klemmfix barriers and concrete medians, green paint and line markings of the cycleway. However, these are short term visual impacts that will cease once the pop-up cycleways are removed and no safeguards are proposed.

### **6.7.3 Safeguards and management measures**

Although there is a change to the visual environment, this is temporary and will be remedied once the pop-up cycleways are removed. As such, no environmental safeguards or management measures are considered necessary.

## **6.8 Waste management & minimisation**

### **6.8.1 Potential impacts**

As there is no construction work involved, the continued operation and use of the pop-up cycleways is unlikely to generate any substantive waste.

### **6.8.2 Safeguards and management measures**

No environmental safeguards or management measures are considered necessary.

## **6.9 Community enquiries and complaints**

### **6.9.1 Potential impacts**

During the continued operation and use of the pop-up cycleways affected businesses, residents or other members of the community may wish to make enquiries or complaints in relation to a particular aspect of the operation or use of the cycleways. As such, an enquiry / complaint management system needs to be implemented and affected members of the community advised of the protocol for handling enquiries and/or complaints.

### **6.9.2 Safeguards and management measures**

- City of Sydney's Community Liaison Officer, as the first point of contact, followed by the City's Engagement Officer and then the Project Manager (or other nominated person) are to be contactable and available to respond to enquiries and address complaints or other issues during the construction period.

## **6.10 Accessibility and safety**

### **6.10.1 Existing environment**

Prior to the provision of a dedicated cycleway along Moore Park Road and Fitzroy Street, people using this route by bicycle had to travel in a lane with the vehicular traffic, which presents safety issues and acts as a major disincentive to cycling as a mode of transport.

The provision of a dedicated cycleway means that people riding have the option of a safe and separated connection between Centennial Park and the Bourke Street cycleway.

### 6.10.2 Potential impacts

The beneficial impacts are an improved level of accessibility and safety for all road users. The dedication of a bi-directional pop-up cycleway separated from the other road / footpath users substantially improves the safety and amenity for people walking and riding and is likely to act as an incentive to higher bicycle usage along this east-west route.

The cycleways mean that there has been a loss of trafficable lanes, as well as on-street parking along Moore Park Road, as well as the temporary loss of the bus lane and bus stop on Fitzroy Street. However, the benefits in terms of safety, accessibility and amenity for people walking and riding are considered to outweigh the resulting inconvenience to motorists.

### 6.10.3 Safeguards and management measures

No environmental safeguards or management measures are considered necessary.

## 6.11 Social and economic

### 6.11.1 Potential impacts

The continued operation and use of the pop-up cycleways will have a generally positive socio-economic impact and the safety and amenity for people walking and riding will be improved through the provision of a dedicated cycleway route that will minimise potential conflicts in this heavily trafficked and pedestrianised area. This is likely to encourage the wider use of the facility, which in turn, has a beneficial impact on the health of users of the cycling facilities.

### 6.11.2 Safeguards and management measures

No environmental safeguards or management measures are proposed.

## 6.12 Summary of adverse effects

The main adverse effects of the continued operation and use of the pop-up cycleways include:

- Traffic, parking and access impacts;
- Visual amenity impacts;

## 6.13 Summary of beneficial effects

The main benefits of the continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways until the permanent Oxford Street Cycleway is constructed and becomes operational include:

- Improved safety and 'journey ambience' for people riding through the provision of a separate dedicated east-west cycleway link, and providing an alternative to riding in a mixed traffic environment;

- The associated health and lifestyle benefits attributed to cycling as a viable transport mode;
- Environmental benefits associated with reduced vehicle emissions and noise pollution;
- A reduction in car demand and the associated flow on effects of improvements to traffic flows.

## 6.14 Consideration of Clause 171(2) Factors

The factors to be taken into consideration when reviewing the likely environmental impact of a proposed activity are listed in Clause 171(2) of *the Environmental Planning and Assessment Regulation 2021*.

Consideration of each of the Clause 171(2) factors is included in the table below. The impacts have been quantified as:

Table 6-1: Clause 171(2) factors for consideration

Factor	Impact
<p><b>a. The environmental impact on a community?</b></p> <p>The ongoing operation of the cycleways results in temporary changes to the traffic and parking environment along the route of the cycleways. However, these impacts are minimal and will only exist until the permanent cycleway on Oxford Street is constructed and the pop-up cycleways are removed. Any impacts can be appropriately managed and/or minimised through the implementation of the environmental safeguards and management measures described in Table 7.1.</p> <p>For the duration of the pop-up cycleways, they provide the community with an east-west dedicated cycling route along Moore Park Road and Fitzroy Street, as well as providing connections to the wider network of existing and anticipated future cycleways across the Sydney CBD and wider metropolitan routes.</p>	<p>Short term: Negative</p> <p>Long term: Positive</p>
<p><b>b. The transformation of a locality?</b></p> <p>Although only a relatively minor transformation of the road reserves Moore Park Road and Fitzroy Street, the installation of the pop-up separated cycleways provides a dedicated cycling route that will connect with other cycleway links and will improve the level of safety for all road users. The transformation of the locality for the duration of the operation of the cycleways is considered a positive impact.</p>	<p>Short term: Positive</p>

Factor	Impact
<p><b>c. The environmental impact on the ecosystems of the locality?</b></p> <p>The proposal will not have an impact on any ecosystems in the locality.</p>	<p>Nil</p>
<p><b>d. Reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?</b></p> <p>The proposed works will result in a minor short term reduction in visual amenity during the operation of the pop-up cycleways.</p> <p>However, the recreational value (particularly for people riding) is improved through the introduction of dedicated, legible and safe cycleways.</p>	<p>Short Term: Negative</p> <p>Long Term: Positive</p>
<p><b>e. The effect on a locality, place or building that has –</b></p> <p><b>(i) aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or</b></p> <p><b>(ii) social significance or other special value for present or future generations?</b></p> <p>The pop-up cycleways will not have an adverse impact on the heritage significance of any State or local heritage listed properties or Heritage Conservation Areas in the vicinity.</p>	<p>Nil</p>
<p><b>f. The impact on the habitat of protected fauna (within the meaning of the Biodiversity and Conservation Act 2016)?</b></p> <p>The pop-up cycleways are located in an urban environment that has been highly modified and is not known to provide specific habitat for any protected fauna. As such, there will be no impact on the habitat of any protected fauna arising from the continued operation and use of the pop-up cycleways.</p>	<p>Nil</p>
<p><b>g. The endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?</b></p> <p>The continued operation and use of the pop-up cycleways will not have an adverse impact on, or endanger any species of animal, plant or other form of life.</p>	<p>Nil</p>
<p><b>h. Long-term effects on the environment?</b></p> <p>The continued operation and use of the pop-up cycleways will not result in any long-term effects on the environment.</p>	<p>Nil</p>

Factor	Impact
<p><b>i. Degradation of the quality of the environment?</b></p> <p>The continued operation and use of the pop-up cycleways will not result in the degradation of the quality of the environment.</p>	Nil
<p><b>j. Risk to the safety of the environment?</b></p> <p>The continued operation and use of the pop-up cycleways will not generate any risk to the safety of the environment.</p>	Nil
<p><b>k. Reduction in the range of beneficial uses of the environment?</b></p> <p>There will be no reduction in the range of beneficial uses of the environment as a result of the continued operation and use of the pop-up cycleways.</p>	Nil
<p><b>l. Pollution of the environment?</b></p> <p>The continued operation and use of the pop-up cycleways will not pollute the environment.</p>	Nil
<p><b>m. Environmental problems associated with the disposal of waste?</b></p> <p>The continued operation and use of the pop-up cycleways will not generate any waste and no hazardous waste will be generated.</p>	Nil
<p><b>n. Increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply?</b></p> <p>The continued operation and use of the pop-up cycleways will not place an undue demand on resources that are, or are likely to become in short demand.</p>	Nil
<p><b>o. The cumulative environmental effect with other existing or likely future activities?</b></p> <p>There will be no unreasonable cumulative adverse impacts or environmental effects arising from the continued operation and use of the pop-up cycleways.</p>	Nil
<p><b>p. The impact on coastal processes and coastal hazards, including those under projected climate change conditions?</b></p> <p>The pop-up cycleways are not located in a coastal area and are not subject to coastal processes or hazards.</p>	Nil

Factor	Impact
<p><b>q. Applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1?</b></p> <p>As described in Chapter 2 of the REF, the pop-up cycleways align with several important City of Sydney strategic planning objectives, as well as State Government strategy and policy, including:</p> <ul style="list-style-type: none"> <li>• Sustainable Sydney 2030-2050 Continuing the Vision</li> <li>• City of Sydney Cycle Strategy and Action Plan 2018-2030</li> <li>• Local Strategic Planning Statement (CoS)</li> <li>• A Metropolis of 3 Cities</li> <li>• State Infrastructure Strategy</li> <li>• Future Transport 2056</li> <li>• Sydney's Cycling Future (TfNSW 2013)</li> </ul>	<p>Nil</p>
<p><b>r. Other relevant environmental factors?</b></p> <p>There are no other relevant environmental factors that require consideration.</p>	<p>Nil</p>

# 7 Environmental management

## 7.1 Environmental management plans

Environmental safeguards and management measures outlined in *Table 7-1* below will minimise the identified potential adverse environmental impacts of the proposal on the surrounding environment.

## 7.2 Summary of safeguards and management measures

The environmental safeguards and management measures are aimed at minimising any potential adverse impacts on the surrounding environment arising from the ongoing operation and use of the pop-up cycleways. These are summarised in Table 7-1.

Table 7-1: Summary of environmental safeguards and management measures

No.	Impact	Environmental safeguards
1	Traffic, parking and access	<ul style="list-style-type: none"> <li>• The following management measures that have been implemented due to community and road/cycleway user safety concerns for the Moore Park Road cycleway are to be maintained and remain in place for the duration of the operation of the pop-up cycleway:               <ul style="list-style-type: none"> <li>➤ The "1P 7pm-6am Permit Holders Excepted Area 13" overnight parking arrangements on Moore Park Road between Cook Road and Poate Road;</li> <li>➤ The two loading zones installed in Poate Lane;</li> <li>➤ The accessible parking space relocated to Poate Road;</li> <li>➤ The three (3) P15 spaces installed near the bus stop in Cook Road;</li> <li>➤ The installation of bike safe grates to the kerb inlet pits;</li> <li>➤ The alternate loading zone for Rugby Australia installed in Poate Lane;</li> <li>➤ The warning sign installed in the Moore Park Road median at the intersection of Poate Road to advise motorists turning right into Poate Road that they are crossing the cycleway;</li> <li>➤ The reduced 40km/h speed limit on Moore Park Road.</li> </ul> </li> </ul>
2	Community enquiries and complaints	<ul style="list-style-type: none"> <li>• The City of Sydney's Community Liaison Officer, as the first point of contact, followed by the City's Engagement Officer and then the Project Manager should be contactable and available to respond to enquiries and address complaints or other issues during the ongoing operation of the pop-up cycleways.</li> </ul>

No.	Impact	Environmental safeguards

## 8 Conclusion

### 8.1 Justification

Based on independent research undertaken by leading economic researcher, AECOM, the Inner City Regional Bicycle Network will provide access for 1.2 million people in 164 suburbs and across 11 local government areas. Further, AECOM estimates that the bicycle network is likely to deliver a net economic benefit of \$506 million (in today's dollars) over a 30 year period, and that every dollar spent on delivering the interconnected cycleway, the network will generate an economic return of \$3.88.

On balance the proposal is considered justified.

The environmental impacts of the proposal are not likely to be significant and therefore it is not necessary for approval to be sought for the proposal under Part 4 of the *Environmental Planning & Assessment Act 1979*. The proposal will not have a substantial impact on any matters of National environmental significance.

### 8.2 Objects of the Environmental Planning & Assessment Act, 1979

Decisions made under the *Environmental Planning & Assessment Act, 1979* must have regard to the objects of the Act, as set out in Section 1.3. The relevant objects are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

*(j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal is consistent with the objects of the Act. In particular, the operation of the pop-up cycleways represents the proper management of the public domain and promotes the social and welfare of the community by providing safe, convenient and healthy transport options to improve the traffic, cycling and walking environment and connections across the local streets and between popular destinations.

Further, the implementation of the recommended safeguards and management measures outlined in this REF will ensure the ongoing operation and use of the pop-up cycleways is undertaken in such a way that it protects the environment.

### 8.3 Ecologically sustainable development

The National Strategy for Ecologically Sustainable Development (NSES) has been formulated to ensure ESD is accounted for in all proposals. There are three core objectives:

- Enhance the well-being and welfare of individuals and the community by following a path of economic development that safeguards the welfare of future generations;
- Provide for equity within and between generations;
- Protect biological diversity and maintain essential ecological processes and life-support systems.

The *Environmental Planning & Assessment Act, 1979* acknowledges that ecologically sustainable development (ESD) should be considered in the assessment and approval of proposed development.

The proposal has been assessed against the following four principles of ecologically sustainable development (ESD) listed in the *Protection of the Environment Administration Act 1991*:

- *The precautionary principle;*
- *The principle of intergenerational equity;*
- *The principle of biological diversity and ecological integrity; and*
- *The principle of improved valuation of environmental resources.*

A discussion on the degree to which the proposed works comply with these principles is provided below.

#### 8.3.1 Precautionary principle

The precautionary principle states that:

*if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

*In the application of the precautionary principle, public and private decisions should be guided by:*

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (ii) an assessment of the risk weighted consequences of various options*

A range of investigations have been undertaken during the preparation of this REF to ensure that the potential environmental impacts are able to be understood with a high degree of certainty. The proposal has evolved to avoid environmental impact where possible and safeguards and management measures have been recommended to minimise adverse impacts. No safeguards or management measures have been deferred due to a lack of scientific certainty. The proposal is therefore considered to be consistent with the precautionary principle.

### 8.3.2 Intergenerational equity

The principle of intergenerational equity states that:

*the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.*

The proposed ongoing operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways until the permanent Oxford Street Cycleway between Taylor Square and Centennial Park has been constructed and is operational will not result in any impacts that are likely to adversely impact on the health, diversity or productivity of the environment for the future generation. Instead, the pop-up cycleways will continue to realise a number of positive impacts for the benefit present and future generations including:

- The potential for reduced traffic congestion and necessary vehicle trips;
- Improved health and lifestyle benefits afforded by the provision of a safe and dedicated cycleway route;
- The potential for environmental savings through reductions in vehicle emissions and noise pollution;
- Improved safety and ‘journey ambience’ for people riding through the provision of a separate dedicated cycleway, and providing an alternative to riding in a mixed traffic environment;
- The potential for savings in government transport infrastructure building and operating costs;

### 8.3.3 Conservation of biological diversity and ecological integrity

The principle of biological diversity and ecological integrity states that:

*conservation of biological diversity and ecological integrity should be a fundamental consideration.*

The proposed ongoing use of the Moore Park Road and Fitzroy Street pop-up cycleways until the permanent Oxford Street Cycleway between Taylor Square and Centennial Park has

been constructed and is operational are unlikely to have an impact on biological diversity and ecological integrity. The pop-up cycleways are located in a highly urbanised area where the potential for adverse impacts on flora and fauna are considered minimal. Any flora and fauna that may be present in the vicinity of the cycleways is reflective of and has adapted to, this highly modified urban environment and is unlikely to be adversely affected.

### 8.3.4 Improved valuation, pricing and incentive mechanisms

The principle of improved valuation of environmental resources states that:

*environmental factors should be included in the valuation of assets and services, such as:*

*(i) polluter pays – that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*

*(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*

*(iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The cost of environmental resources includes those costs that are incurred in order to protect the environment. In this way, any environmental safeguards that are imposed in order to minimise adverse impacts result in economic costs to the construction and operation of the project. This indicates that the valuation of environmental resources has been assigned.

As described in this REF, the implementation of appropriate mitigation measures where environmental impacts are expected will minimise adverse impacts on the environment.

## 8.4 Conclusion

The proposed ongoing operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways are subject to assessment under Part 5 of the *Environmental Planning & Assessment Act 1979* as it constitutes an 'activity' under section 5.1 (1) of the *Environmental Planning & Assessment Act 1979*. This REF has examined and taken into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the proposed activity. The proposed continued operation and use of the pop-up cycleways, as described in the REF, will meet the project objectives but will still result in some minor impacts with respect to traffic, parking and access, visual impacts and potential community concerns along the sections of Moore Park Road and Fitzroy Street where the pop-up cycleways are located. Notwithstanding, the implementation and effective management of the safeguards and management measures that are detailed in this REF will ameliorate or minimise these expected impacts, such that they will have no more than a minor impact.

The proposal will also realise a number of positive impacts, including the continuation of improved conditions, amenity and safety for all road users, opportunities for improved health benefits, reductions in traffic volumes/congestion and vehicle emissions etc.

On balance the proposal is considered justified.

Having regard to the matters which have been identified as potentially affecting or likely to affect the environment by reason of the proposed activity and the statutory and planning framework, it is concluded that:

- a) The environmental impacts of the proposal are not likely to be significant and therefore it is not necessary for approval to be sought for the proposal under Part 4 of the *Environmental Planning & Assessment Act 1979*.
- b) The proposal will not impact on any matters of National environmental significance;  
and
- c) Having regard to the above, it is concluded that the proposal is not likely to significantly affect the environment within the meaning of Section 5.7 of the *Environmental Planning & Assessment Act 1979*.

## 9 Conclusion and Certification

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This Review of Environmental Factors provides a true and fair review of the proposal in relation to its potential effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposal.

The Review of Environmental Factors identifies the likely impacts of the proposal on the environment and details the environmental safeguards and mitigation measures to be implemented to minimise the potential impact to the environment.

The assessment has concluded that as the proposed works as described in this REF, including any proposed environmental safeguards and management measures, will not result in a significant effect on the environment.

The proposed activity will not have a substantial impact on any matters of National environmental significance and therefore, does not require referral to the Commonwealth Government under the EPBC Act.



Andrew Robinson MPIA  
Director  
**Andrew Robinson Planning Services Pty Ltd**  
Date: 6 February 2023

### Determining Authority Certification:

I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false or misleading.

### Decision Statement:

In this regard, based on the REF document and other documents appended to it:

- The proposed activity is not likely to have a significant impact on the environment and therefore an Environmental Impact Statement (EIS) is not required.
- The proposed activity will not be carried out in a declared area of outstanding biodiversity and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values such that a Species Impact Statement (SIS) and/or a Biodiversity Development Assessment Report (BDAR) is not required.
- The proposed activity may proceed as it will not result in a significant effect on the environment and will not have a substantial impact on any matters of National environmental significance and therefore, does not require referral to the Commonwealth Government under the EPBC Act.
- Mitigation measures are required to eliminate, minimise or manage environmental impacts and these are set out in Chapter 6 and summarised in tabular form in Chapter 8 of this REF.

Signature:

Name:

Position:

Date:

## 10 References

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The following publications and documents / resources have been used in the preparation of this REF:

AECOM 2010, *Inner Sydney Regional Bicycle Network, Demand Assessment and Economic Appraisal*

City of Sydney website – [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

Department of Planning & Environment (then DIPNR) 2004, *Planning guidelines for walking and cycling*

Department of Planning and Environment 2022, *Guidelines for Division 5.1 assessments*

NSW Government, 2013, *Sydney's Cycling Future, Cycling for everyday transport*

Transport for NSW – [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au) (*Cycling counts*)

# Appendix A

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Consideration of Matters of National  
environmental significance

# Matters of National Environmental Significance

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Under the environmental assessment provisions of the *Environment Protection and Biodiversity Conservation Act 2016*, the following matters of National environmental significance and impacts on Commonwealth land are required to be considered to assist in determining whether the proposal should be referred to the Australian Government's Minister for Climate Change, Energy, the Environment and Water.

Factor	Impact
<p><b>a. Any impact on a World Heritage property?</b></p> <p>The proposal will not have an impact on a World Heritage property.</p>	Nil
<p><b>b. Any impact on a National Heritage place?</b></p> <p>The proposal will not have an impact on a National Heritage place.</p>	Nil
<p><b>c. Any impact on a wetland of international importance?</b></p> <p>The proposal will not have an impact on a wetland of international importance.</p>	Nil
<p><b>d. Any impact on a listed threatened species or communities?</b></p> <p>The proposal will not have an impact on a threatened species or community.</p>	Nil
<p><b>e. Any impacts on listed migratory species?</b></p> <p>The proposal will not have an impact on a listed migratory species.</p>	Nil
<p><b>d. Any impact on a Commonwealth marine area?</b></p> <p>The proposal will not have an impact on a Commonwealth marine area.</p>	Nil
<p><b>g. Does the proposal involve a nuclear action (including uranium mining)?</b></p> <p>The proposal does not involve a nuclear action.</p>	Nil
<p><b>Additionally, any impact (direct or indirect) on Commonwealth land?</b></p> <p>The proposal will not have an impact on Commonwealth Land.</p>	Nil