

Permanent Road Closure - Part Park Road, Alexandria

File No: X017670.002

Summary

Park Road, Alexandria, is a public road managed by the City of Sydney as the road authority.

On 6 November 1992, the former South Sydney City Council closed the northern section of Park Road intersecting with Buckland Street to traffic under section 269A of the Local Government Act 1919, via a Government Gazette.

On 13 August 2018, Council resolved to permanently close a section of Park Road, Alexandria, to traffic, between the points 48 metres and 138 metres north of Power Avenue, under section 116 of the Roads Act 1993, following endorsement from the Roads and Maritime Services and the Local Pedestrian, Cycling and Traffic Calming Committee.

In a concurrent resolution, Council also resolved the permanent closure of Park Road as a key term within a Heads of Agreement with the Department of Education for joint use facilities at Alexandria Park Community School. The resolution noted that subject to Council approval of the permanent closure of Park Road, the road would be classified as operational land under the Local Government Act 1993.

The permanent closure was initiated by a proposal received from the Department of Education seeking to use Park Road as a temporary preschool facility and play space whilst the Alexandria Park Community School was being redeveloped, and to further convert the closed road into a competition-size sports field.

In April 2019, the City of Sydney executed a Joint Use Project Deed with the Department of Education to jointly fund, deliver and use a Federation Internationale de Football Association (FIFA) level synthetic sports field and two multi-purpose courts at the Alexandria Park Community School.

To enable the shared use of the new school sports facilities both parties agreed to enter into 20 year cross-licences. The licence agreements will not commence until a section of Park Road is permanently closed under section 38E of the Roads Act 1993, and vested in the City of Sydney as operational land under the Local Government Act 1993 (the subject of this report).

The remaining section of Park Road that intersects with Power Avenue will continue to operate as public road to accommodate vehicular traffic entering and exiting the Alexandria Park Community School.

Recommendation

It is resolved that:

- (A) Council endorse the permanent road closure of Park Road, Alexandria, in accordance with section 38E of the Roads Act 1993 and as shown as Proposed Lot 1 in the Draft Plan of First Title Creation at Attachment F to the subject report;
- (B) authority be delegated to the Chief Executive Officer to approve the publication of a Government Gazette to give effect to the permanent road closure; and
- (C) Council note that upon publication of the Government Gazette, the land comprising the former road will remain vested in Council as operational land under the Local Government Act 1993.

Attachments

- Attachment A.** Government Gazette - Alexandria Local Area Traffic Management Scheme - 6 November 1992
- Attachment B.** Roads and Maritime Services - Approved Traffic Management Plan - Park Road, Alexandria - 28 May 2018
- Attachment C.** Local Pedestrian, Cycling and Traffic Calming Committee - Endorsement of Permanent Road Closure - Park Road, Alexandria - 21 June 2018
- Attachment D.** Resolution of Council - Traffic Treatment - Permanent Road Closure - Park Road, Alexandria - 13 August 2018
- Attachment E.** Resolution of Council - Heads of Agreement with the Department of Education for Joint Use Facilities - 13 August 2018
- Attachment F.** Draft Plan of First Title Creation - Park Road, Alexandria
- Attachment G.** Concept Plan - Synthetic Sports Field and Public Domain Works - Park Road, Alexandria
- Attachment H.** Consultation Advertisements - Permanent Road Closure - Park Road, Alexandria - 2018

Background

1. The Department of Education is redeveloping the Alexandria Park Community School, increasing its capacity from 400 to 2,200 students. Included in the upgrade is a new synthetic sports field, two multi-purpose outdoor courts and a multi-purpose indoor sports hall with toilet and change facilities.
2. In November 2017, the Department of Education wrote to the City of Sydney requesting consideration for the permanent closure of Park Road to allow for a temporary preschool facility and play space for school children at Alexandria Park Community School while the original school playground was being upgraded to provide a new school building and multi-use sports facilities.
3. Following completion of the works to the original school playground, it was proposed to utilise the closed section of Park Road and the grounds of the Alexandria Park Community School to facilitate the construction of a competition-size synthetic sports field.

Park Road, Alexandria

4. Park Road, Alexandria, is public road managed by the City of Sydney as the road authority.
5. The former South Sydney City Council closed the northern section of Park Road intersecting with Buckland Street, to traffic under section 269A of the Local Government Act 1919. This was effected via a Government Gazette dated 6 November 1992 (Attachment A).
6. On 28 May 2018, the Roads and Maritime Services approved a Traffic Management Plan for the permanent road closure of part of Park Road (Attachment B). The Traffic Management Plan established that the permanent road closure would result in:
 - (a) a loss of 26 car parking spaces, however, this would be offset with 52 new angled car parking spaces in Power Avenue;
 - (b) a turning area with "No Stopping" restrictions to allow vehicles to safely turn around in Park Road next to the closure;
 - (c) maintained emergency vehicle access; and
 - (d) maintained pedestrian and cyclist access along the eastern footpath of Park Road adjacent to Alexandria Park.
7. The proposal was subsequently endorsed by the Local Pedestrian, Cycling and Traffic Calming Committee on 21 June 2018 (Attachment C).
8. On 13 August 2018, Council approved the permanent closure of Park Road, Alexandria, between the points 48 metres and 138 metres north of Power Avenue, to traffic under section 116 of the Roads Act 1993 (Attachment D).

Joint Use Project Deed

9. In a concurrent resolution, Council endorsed the permanent closure of Park Road as a key term within a Heads of Agreement with the Department of Education for joint use facilities at Alexandria Park Community School. The resolution also noted that subject to Council approval of the permanent closure of Park Road, the road be classified as operational land under the Local Government Act 1993 (Attachment E).
10. On 2 April 2019, the City of Sydney executed a Joint Use Project Deed with the Department of Education that detailed the terms and process to enable:
 - (a) the school's temporary use of Park Road by way of a road lease;
 - (b) replacement of the angled car parking spaces in Power Avenue (at the Department of Education's expense);
 - (c) construction of a FIFA level synthetic sports field, landscaping and lighting;
 - (d) entry into the following 20 year cross-licences at a peppercorn fee:
 - (i) shared use of the FIFA level synthetic sports field and two outdoor sports courts (jointly funded and delivered by both parties); and
 - (ii) community use of the school's multi-purpose sports hall and associated amenities (funded and delivered by the Department of Education).
11. The licence agreements will not commence until the permanent closure of Park Road (proposed Lot 1 in Attachment F) is effected and vested in the City of Sydney as operational land under the Local Government Act 1993 (the subject of this report).
12. The remaining section of Park Road that intersects with Power Avenue will continue to operate as public road to accommodate vehicular traffic entering and exiting the Alexandria Park Community School, see Attachment G Concept Plan.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

13. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 3 - Public places for all - the permanent road closure enables the delivery of a new FIFA level synthetic sports field, increasing the availability of open space for shared community use.
 - (b) Direction 4 - Design excellence and sustainable development - the FIFA level synthetic sports field includes an under field 100 kilolitre stormwater harvesting system designed to supplement irrigation at Alexandria Park.

- (c) Direction 5 - A city for walking, cycling and public transport - the permanent closure and public domain embellishment works will improve safety and accessibility for students at Alexandria Park Community School, and pedestrians and cyclists along the closed section of Park Road.

Risks

14. The permanent road closure under section 38E of the Roads Act 1993, is a requirement of the Joint Use Development Deed to effect the licence agreements for the shared use of the school sports facilities. Failing to permanently close Park Road may impact the school and community's ability to use these facilities.

Social / Cultural / Community

15. The permanent road closure provides enough space to construct a FIFA level synthetic sports field which will be available for community use outside of school hours. The remainder of the closed road will be landscaped to complement Alexandria Park and provide pedestrian and cycle access from Buckland Street to Power Avenue.

Environmental

16. A new under field 100 kilolitre stormwater harvesting system has been designed as part of the FIFA level synthetic sports field to supplement irrigation at Alexandria Park.

Financial Implications

17. All costs associated with the permanent closure of the section of Park Road will be borne by the City of Sydney for which funds have been allocated in the capital works program.
18. The costs to deliver the synthetic sports field and public domain works (presently under construction) are shared between the Department of Education and City for which funds (City's share) have been allocated in the capital works program.

Relevant Legislation

19. The following sections of the Roads Act 1993 are relevant:
 - (a) section 38A permits Council as the road authority to close a public road if it is not reasonably required for public use, does not provide continuity for an existing road network; and is not required for access to adjoining land;
 - (b) section 38B requires Council to give notice of the proposed road closure for a minimum period of 28 days (this requirement only applies to notifiable authorities, as public consultation was previously completed in 2018);
 - (c) under section 38C, public submissions and formal objections by notifiable authorities may be issued to Council during the notifiable period;

- (d) upon consideration of any submissions duly made, section 38D (1) authorises Council to close the public road via the publication of a Government Gazette however, this is subject to the withdrawal of any formal objection from a notifiable authority (38D (2)(b)); and
- (e) under section 38E, upon publication of the Government Gazette, the road ceases to be a public road, whereby all rights of passage and access are extinguished. The land comprising of the former road remains vested in the Council as operational land under the Local Government Act 1993.

Critical Dates / Time Frames

- 20. Upon publication of a Government Gazette to permanently close the section of Park Road, the former road will remain vested in the City of Sydney as operational land under the Local Government Act 1993, enabling the licence agreements for the shared use of the school sports facilities with the Department of Education to commence.

Public Consultation

- 21. In accordance with section 116 of the Roads Act 1993, the City of Sydney commenced public consultation on 18 April 2018 on the permanent road closure of Park Road, Alexandria, to traffic.
- 22. A public notice was issued in The Sydney Morning Herald, Sydney Central Courier, City News and Sydney Your Say, for a period of 28 days, concluding 15 May 2018 (Attachment H).
- 23. A total of 1,250 properties were contacted via letterbox drop requesting feedback on the proposed road closure to traffic.
- 24. Eleven submissions supporting the proposal and two submissions opposing the proposal were received.
- 25. The two submissions opposing the proposal were concerned about increased traffic congestion, competition for parking on Buckland Street and suggested parking in Loveridge and Brennan Streets, rather than Power Avenue.
- 26. Angle parking on Power Avenue is more suitable as it provides the closest and most convenient access to Alexandria Park for visitors. Further, the proposed permanent road closure was not expected to generate additional traffic on Power Avenue or reassign traffic to surrounding roads.
- 27. The proposed permanent road closure was submitted to the Local Pedestrian, Cycling and Traffic Calming Committee in June 2018. No objections to the proposal were raised.

28. In accordance with the requirements under section 38B (1) of the Roads Act 1993, the City of Sydney has commenced consultation with Transport for New South Wales, Ausgrid and Sydney Water who may be affected by the proposed permanent closure. To date, no objections have been received regarding the proposal.
29. Further public consultation is not required given the process historically completed in 2018.

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