

10.13. Edward Street, North Sydney - part-closure and sale enquiry

AUTHOR	Gary Parsons, Director Open Space & Infrastructure
ATTACHMENTS	Nil
CSP LINK	5. Our Civic Leadership 5.1 Lead North Sydney's strategic direction

PURPOSE:

The purpose of this report is to seek authorisation from Council for the Chief Executive Officer to enter into preliminary discussions with The Sydney Church of England Grammar School (Shore) regarding the part-closure and sale of Edward Street North Sydney and commence investigations into the part-closure.

EXECUTIVE SUMMARY:

- The Sydney Church of England Grammar School (Shore) has formally approached Council in relation to the closure and purchase of the portion of Edward Street south of Lord Street, North Sydney.
- Council needs to undertake a number of investigations prior to contemplating any formal closure and inform its response to Shore.
- Council would look to request that Shore meets the costs of these investigations irrespective of the closure progressing.
- Council would undertake community consultation in relation this request prior to progressing with any formal road closure application.

RECOMMENDATION:

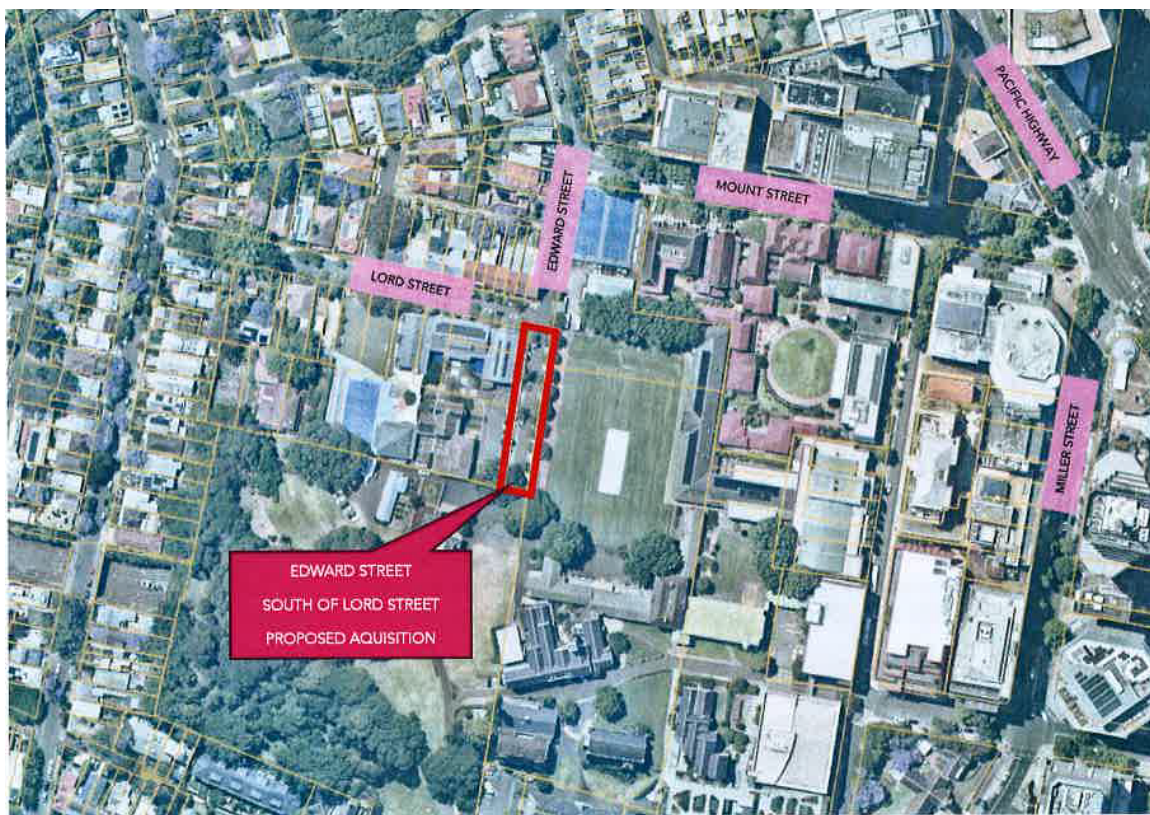
- 1. THAT** Council authorise the Chief Executive Officer to enter into discussions regarding the potential closure and sale of a portion of Edward Street, North Sydney with The Sydney Church of England Grammar School.
- 2. THAT** Council approve the commencement of investigations to inform the potential closure and sale of a portion of Edward Street, North Sydney to The Sydney Church of England Grammar School.
- 3. THAT** Council note that community consultation will be undertaken in relation the potential closure and sale of a portion of Edward Street, North Sydney to The Sydney Church of England Grammar School, in accordance with Council's Community Engagement Policy.
- 4. THAT** Council note that The Sydney Church of England Grammar School will be required to lodge a bond of \$20,000, that will be increased if required, to cover all costs associated with the investigations to inform the potential closure and sale of a portion of Edward Street, North Sydney to The Sydney Church of England Grammar School.
- 5. THAT** a further report will be brought back to Council once investigations into the potential closure and sale of a portion of Edward Street, North Sydney to The Sydney Church of England Grammar School are complete.

Background

On 25 February 2025, the Sydney Church of England Grammar School (Shore) formally approached Council in relation to the closure and purchase of the portion of Edward Street south of Lord Street, North Sydney.

Report

Edward Street North Sydney is a local road between Bay Road and Shore. Preliminary investigations indicate that Edward Street is a Council-owned public road and that the properties immediately surrounding the portion proposed for acquisition (outlined in red below) are owned by Shore. The ownership status of the road would need to be confirmed through formal application to the NSW Lands Registry Office.



Sections 38A, 38B, and 43 of the Roads Act 1993 gives Councils the authority to close a public road and sell it if it chooses to do so, however, Section 38A is subject to the following restrictions:

“A council may propose the closure of a council public road for which it is the roads authority if:

- a) the road is not reasonably required as a road for public use (whether for present or future needs); and
- b) the road is not required to provide continuity for an existing road network, and
- c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.”

Council would need to undertake investigations to satisfy these criteria before formal part-closure of Edward Street could occur.

In addition, a series of investigations in relation to formal ownership and gazettal of the road, specifically existing infrastructure, easements, and traffic impacts, would be required.

It should be noted that funds received from the proceeds of a sale can only be used for carrying out road work on public roads.

Consultation requirements

No community consultation has occurred to inform this report. However, should Council adopt the recommendations of this report, consultation in accordance with Council's Community Engagement Policy would be undertaken to inform a further report to Council in relation to the potential closure and sale of a portion of Edward Street to Shore.

It should be noted that Council would also be required to undertake formal notification of the proposed closure under Section 38B of the Roads Act as part of the formal road closure process.

Financial/Resource Implications

Shore would be required to lodge a bond of \$20,000 with Council, that would be increased if required, to cover all costs associated with the investigations to inform the potential closure and sale of the portion of Edward Street in question.

Legislation

NSW Roads Act (1993) s38A, s38B, and s43.