

Crown roads

Crown roads are part of the state's public road network and are administered by the NSW Department of Planning and Environment (the department) under the *Roads Act 1993* (the Act). Crown roads are often referred to as 'paper roads', as the majority are not constructed. There are many Crown roads within the public road network that are not used or required for public access. In these cases, Crown roads may be sold or closed without compromising the broader public interest.

The option to purchase Crown road/s can facilitate termination of an enclosure permit or use of the land other than for grazing. Other benefits resulting from the purchase of a Crown road may include:

- consolidation of a property
- certainty of ownership, where private residence or other infrastructure encroaches on the road corridor
- conditions of an approved Development Application
- driveway or road construction, to service low-level traffic requirements or private developments
- to facilitate land management or environmental improvements.

Eligibility

In determining whether a Crown road is suitable for sale, Crown Lands recognises that each case is unique. The policy and guidelines (available at [Purchase a Crown Road | Crown Lands \(nsw.gov.au\)](https://www.nsw.gov.au/purchase-a-crown-road)) provide a framework to establish when a Crown road is suitable for sale or when it should be retained for access within the public road network.

While there are varying complexities and factors which need to be considered, the following criteria must be satisfied:

- the party with an interest to purchase is not a holder of a Crown account with a balance in arrears. Any amount in arrears must be paid in full to the department before the sale can proceed
- the department has confirmed that the road is not required for access to freehold or government owned land, nor as a public access in the state road network
- landholders and government authorities reasonably known to have potential interest in the road have been consulted, and their requirements addressed to the department's satisfaction, within the time frame set by the department.

Application fees (in addition to the value of the road for purchase)

- Application fee \$761.00 - paid when application is accepted by the department
- Purchase processing fee \$354.00
- Plan compilation fee± \$399.00
- NSW Land Registry Service lodgement fees
 - Transfer dealing \$330.50
 - Amendment of a folio of the Register" \$165.40
 - Section 88B Instrument (if required) \$165.40 for each easement
 - Deposited plan \$348.40 for each lot created
- NSW Revenue
 - Stamp Duty (Ad Valorem)
- GST (improved land only)

±The plan compilation fee covers the cost of a compiled plan prepared by the department from a range of source documents. The applicant may require the services of a registered surveyor in more complex instances at the applicant's cost.

"The amendment fee is only required when road purchase is paid in instalments. The department lodges a dealing form upon payment of the final instalment, to *remove* a titling notation regarding balance of purchase monies.

Purchase price of roads

The purchase price of Crown roads will generally be based on the land value of the applicant's adjoining land. The value used is the 'general' base date type as at the date the application was lodged with the department.

The department offers two options for road purchase payment to successful road purchase applicants:

- payment in full (being the total price), or
- payment by 3 equal instalments.

Payment terms (if the application is successful)

The invoice (for the full purchase price or first instalment) will include the associated purchase fees.

Late payment fees apply to debts that remain in arrears after 28 days from the due date.

The department maintains the right to withdraw the offer and sale the road to another interested party if the first payment (either whole or instalment amount) is not made within 28 days of the due date.

The 28-day submission period

The department advises affected and interested parties of all proposed road purchases to ensure procedural fairness. Public consultation occurs through:

- notifying all adjoining and affected landowners
- notifying relevant public authorities (for example, NSW Fisheries and National Parks)
- listing the proposal online [NSW Crown Lands - Crown Lands Roads](#)

Easements

Easements to maintain legal access

A registered access easement may allow the purchase of a Crown road while maintaining legal access to an affected property. Affected parties have to agree to their property access changing from Crown road to registered easement (for example, right of carriageway or right of access).

When a road under application is the only or a formed primary legal access, the department will not support the sale of the road unless the affected property owner provides written agreement to the road being sold with an easement registered over that road to maintain their legal access.

Easements to maintain infrastructure

The proposed road purchase may impact existing infrastructure on the Crown road (for example, transmission lines). Assets of this type generally have registered easements over the adjacent freehold lands but not over the Crown road. Registering an easement over the affected Crown road site may allow the purchase of a Crown road to proceed while maintaining the easement connectivity for the existing infrastructure over the road.

Where affected parties agree to an easement proposal, a Section 88B Instrument (*Conveyancing Act 1919*) will be lodged with the plan for registration by NSW Land Registry Services. The fee for each easement imposed on title is payable by the road purchase applicant. A plan of survey may be required if the road for closure and/or the proposed easement does not comply with NSW Land Registry Services compiled plan guidelines. The cost of a plan of survey is payable by the road purchase applicant.

Following easement registration, disputes between parties becomes a private matter in which the department cannot assist.

Before you apply

Before you apply, you should seek general agreement from neighbouring land owners or other parties who may be affected by the proposal.

How to apply

1. Gather your property's Lot/DP details.
2. Apply online at [NSW Crown Lands - Purchase Crown Roads](#)

More information

Policy and guidelines for the administration of Crown roads are available at the department's website.

Web: www.crownland.nsw.gov.au

Contact us

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