

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

An application to purchase a Crown road may be submitted by any person. However, a Crown road may not be sold to a person who is not an owner of land adjoining the road unless each owner of land adjoining the road consents to it. If the applicant holds a Crown account with a balance in arrears, this must be paid in full before the application is accepted.

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.

Although there are varying complexities and factors which need to be considered, the following criteria must be satisfied for a road to be offered for sale:

- 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.

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 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 primary 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 purchase 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.

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

Current application fees and costs are available at [Fees | Crown Lands \(nsw.gov.au\)](#)

Purchase price of roads

If the roads are approved for sale, the purchase price will generally be based on the Valuer General's Register of Land Value (used for council rating purposes) for your property at the date your application is lodged, known as the Statutory Land Value (SLV). Current land valuation data is used if lower than at the date of application.

In some instances, market value may be applied, for example when a road is in a higher value area or is being purchased for a commercial undertaking or development. In these circumstances, a valuer (accredited by the Australian Property Institute) may be engaged by you or the Department. All valuation reports are assessed by the Department's valuation officers. If a valuation is considered unreasonable, the Department may reject the value offered.

How to apply

1. Seek general agreement from neighbouring landowners or other parties who may be affected by the proposal.
2. Gather your property's Lot/DP details
3. Apply online at [Purchase Crown Road | Crown Land \(nsw.gov.au\)](#)

More information

Please refer to the Department's [Administration of Crown roads policy](#) and the [Administration of Crown roads guidelines](#) for further information.

Contact us

Email: roads@crowmland.nsw.gov.au

Phone: 1300 886 235

© State of New South Wales through the NSW Department of Planning & Environment. You may copy, distribute and otherwise freely deal with this publication for any purpose, provided that you attribute the NSW Department of Planning & Environment as the owner. The information contained in this publication is based on knowledge and understanding at the time of writing (September 2023). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and reliable.