



# How do I close and purchase unused roads?

## FACT SHEET

The following is a summary for relatively straight forward closures.

Unused roads can be closed if they are not required for current or future road needs.

If the road is a CROWN road, application must be made direct to NSW Trade & Investment - Crown Lands which manages the process including consultation with the public, adjoining owners, state agencies, utilities and local government and eventual transfer to the applicant if approved. Crown Lands can advise on fees and costs.

If the road is a COUNCIL PUBLIC ROAD, an [application to close](#) must be made to Council together with the [appropriate fee](#). Joint applications are accepted.

The proposal is examined by Council's technical staff for a check of past usage, civil and strategic planning needs, impact on council's utility services, development proposals and environmental issues and site specific matters. If not supported, the applicant is advised.

If supported at the technical level, the application is formally reported to Council for approval to lodge an application with Crown Lands (which has the final say) with the applicant meeting all costs which include the application fee, the resulting survey and plan registration expenses, Council's legal costs, the applicants own legal costs (if applicable), independent valuers fees (if applicable) and the market value of the land comprising the road closure. The costs vary depending on the possible need for easements over public utilities and for access to other affected properties. As a guide, for small or remote sites, the market value is determined as a *pro rata* of the Land Value of the applicant's property; for urban or potentially higher valued land, an independent valuation is obtained at the applicant's cost.

The applicant is advised of the decision by the Council meeting and, once the applicant agrees to any conditions and the associated costs, the application to Crown Lands is made, noting that the Minister for Lands makes the final decision on the closure.

After Council receives advice of approval from Crown Lands, Council's solicitor arranges the Contract for Sale through to settlement and transfer of the former road to the applicant.

The applicant has the option of consulting their legal adviser and/or surveyor to check on the process and costs before making the application to Council.

Further enquiries to [council@clarence.nsw.gov.au](mailto:council@clarence.nsw.gov.au) – marked to attention of Governance Property Section