

Property acquisition of subsurface land

October 2021

Transport for NSW (TfNSW) may need to acquire privately owned land (or interests in land such as easements) below the surface of the ground, as part of developing or upgrading road infrastructure where a road tunnel is proposed. These acquisitions are referred to in this fact sheet as “subsurface acquisitions”.

Background

Where subsurface acquisition is required, TfNSW will, at the relevant time, contact owners of directly affected properties.

If private property is directly affected, TfNSW has the authority to acquire the subsurface land, under the *Roads Act (1993) NSW*, through a compulsory acquisition process. The steps for the compulsory acquisition process are set out in the *Land Acquisition (Just Terms Compensation) Act 1991*.

The *Land Acquisition (Just Terms Compensation) Act 1991* provides that compensation is not payable for subsurface acquisition of land or easements, unless specific circumstances as detailed in this Act apply, including damage done to the surface property (see “Construction of a Road Tunnel”). In the large majority of subsurface acquisitions, compensation is not payable.

Section 62 of the *Land Acquisition (Just Terms Compensation) Act 1991* sets out in detail the compensation provisions of the Act relating to acquisition for underground easements and tunnels. Further information on land acquisition can be accessed at the link below.

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1991-022>

During the planning and design phases, plans are prepared to show if subsurface land from a private property will need to be acquired.

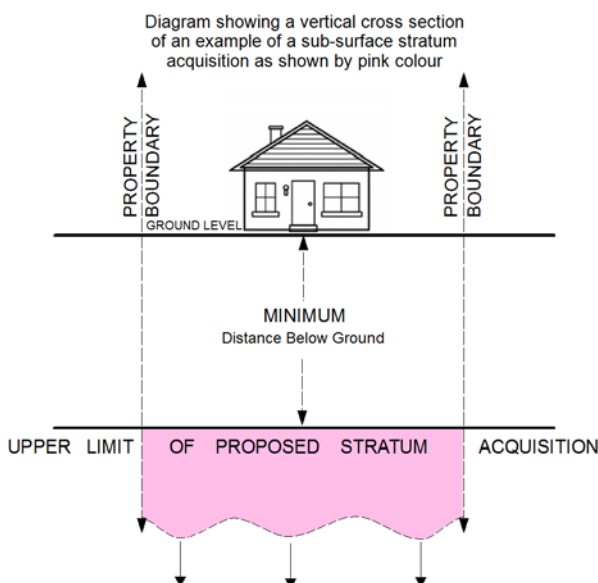
Throughout the project development process, TfNSW communicates with residents and businesses in various ways, including letters or newsletters, door knocking, website and information sessions, to display available information and invite feedback.

Infrastructure projects also have dedicated websites providing the community with information about the project being constructed. Further information about major projects can be found on TfNSW's projects page, which can be accessed on the link below.

<https://roads-waterways.transport.nsw.gov.au/projects/index.html>

Construction of a road tunnel

Safeguards are put in place to ensure a private owner's property will not be damaged by construction of the road tunnel or associated infrastructure.



Please note: This fact sheet sets out general information about the process TfNSW will follow where compensation is not payable and does not constitute legal advice.

Property condition surveys (PCS) are offered free of charge by the contractor building the road prior to and following the completion of construction. Should the property owner wish to accept this offer, the report will be prepared and forwarded to the owner.

TfNSW encourages property owners to take up this offer.

Subsurface land and easement acquisition process

TfNSW will write to the property owner advising of the proposed acquisition and will include, in the letter, a plan which indicates the land or easement below the surface which needs to be acquired.

Where compensation is not payable, being the majority of cases, TfNSW will arrange for the compulsory acquisition of the required subsurface land or easement.

TfNSW will manage the acquisition process including arranging surveys of the required land and any associated changes required with NSW Land Registry Services (LRS).

Valuation and legal fees

In circumstances where compensation is not applicable for subsurface acquisition, valuation and legal fees are not payable by TfNSW to the owner.

Future road project information

To find out if any part of a property is directly affected by a TfNSW infrastructure project, please contact TfNSW to make a property enquiry.

A written response will indicate if the property is directly affected by an approved project or if there are road proposals, at an earlier stage of project development, which could require acquisition of the property.

Local Environmental Plans (LEPs) or other planning documents may also identify land zoned or reserved for future roads, however it should be noted that road proposals are not always shown on council plans.

A prospective buyer can contact the relevant council to seek information about any road proposals which may affect a property. This is called a Section 10.7 certificate and is made available for a fee. A prospective buyer will have the ability to determine if council has an existing zoning which indicates a property may be required for future road development.

To contact Transport for NSW

- Call the **project contact number** listed in the letter or newsletter if one has been delivered recently
- Call **132 213** to speak to the Infrastructure Property staff at your nearest regional TfNSW office (Parramatta, Wollongong, Newcastle, Wagga Wagga, Grafton and Parkes) or for subsurface acquisition information call (02) 8849 2308 between Monday to Friday 9:00am to 5:00pm
- Property Inquiries may be undertaken via an Information Broker. Further information can be found at the link below.
<http://www.nswlrs.com.au/Information-Brokers>



Translating and Interpreting Service

If you need an interpreter, please call the Translating and Interpreting Service (TIS National) on **131 450** and ask them to telephone Transport for NSW on **02 8849 2308**.

Arabic

إذا احتجت إلى مترجم شفهي يرجى الاتصال بخدمة الترجمة الحفظية والشفوية (TIS National) على الرقم **131 450** والمطلب منها الاتصال بـ Transport for NSW على الرقم **02 8849 2308**.

Bangla

যদি আপনার একজন দোভাষীর প্রয়োজন হয়, তবে দয়া করে ট্রান্সলেটিং এন্ড ইন্টারপ্রেটিং সার্ভিস (TIS National) এ ১৩১ ৪৫০ নাম্বারে ফোন করুন এবং তাদের Transport for NSW 02 8849 2308 নাম্বারে ফোন করতে কলুন।

Cantonese

若您需要傳譯員，請撥打 131 450 致電翻譯與口譯服務處 (TIS National)，並要求他們轉撥 02 8849 2308 致電 Transport for NSW。

Filipino

Kung kailangan mo ng interpreter, mangyaring tawagan ang Serbisyo ng Pagsasalang-wika at Pag-iinterpretar (TIS National) sa **131 450** at hilingan silang tawagan ang Transport for NSW sa **02 8849 2308**.

Greek

Αν χρειάζεστε διερμηνέα, παρακαλούμε καλέστε την Υπηρεσία Μετάφρασης και Διερμηνείας (TIS National) στο **131 450** και ζητήστε τους να τηλεφωνήσουν στις Transport for NSW στο **02 8849 2308**.

Hindi

यदि आपको एक दुभाषिणी की आवश्यकता है, तो कृपया अनुवाद व दुभाषिया सेवा (TIS National) को 131 450 पर कॉल करें और उनसे 02 8849 2308 पर Transport for NSW को टेलिफोन करने के लिए कहें।

Indonesian

Apabila Anda membutuhkan seorang juru bicara, harap telepon Layanan Penerjemah dan Juru Bahasa (Translating and Interpreting Service - TIS National) pada **131 450** dan minta mereka menelepon Transport for NSW pada **02 8849 2308**.

Italian

Se avete bisogno di un interprete, chiamate il servizio traduttori e interpreti (TIS National) al numero **131 450** e chiedete di telefonare a Transport for NSW al numero **02 8849 2308**.

Macedonian

Ако ви треба преводач, ве молиме јавете се во Службата за писмено и усмено преведување (TIS National) на **131 450** и замолете ги да се јават во Transport for NSW на **02 8849 2308**.

Mandarin

若您需要口译员，请拨打 131 450 致电翻译与口译服务处 (TIS National)，并要求他们转拨 02 8849 2308 致电 Transport for NSW。

Nepali

यदि तपाईंलाई दोभासेको आवश्यकता परेमा कृपया राष्ट्रिय अनुवादन तथा दोभाषिक सेवा (TIS National) लाई १३१ ४५० मा फोन गर्नुहोस् र उनीहरूलाई Transport for NSW 02 8849 2308 मा फोन गर्न लगाउनुहोस्।

Portuguese

Se necessitar de um(a) intérprete, por favor, ligue para o Serviço de Tradução e Interpretação (TIS National), através de **131 450** e peça o telefone do Transport for NSW, através de **02 8849 2308**.

Serbian

Ако вам је потребан тумач, позовите Службу преводилаца и тумача (TIS National) на **131 450** и замолите их да позову Transport for NSW на **02 8849 2308**.

Spanish

Si necesita un intérprete, llame al Servicio de Traducción e Interpretación (TIS National) al **131 450** y pida que telefonen a Transport for NSW al **02 8849 2308**.

Turkish

Bir tercümana ihtiyacınız varsa, lütfen **131 450** numaralı telefondan Yazılı ve Sözlü Tercüme Servisi'ni (TIS National) arayın ve **02 8849 2308** numaralı telefondan Transport for NSW'e telefon etmelerini isteyin.

Vietnamese

Nếu cần thông dịch viên, xin hãy vui lòng gọi Dịch Vụ Thông Ngôn Phiên Dịch Quốc Gia (TIS National) số **131 450** và yêu cầu họ gọi điện thoại cho cơ quan Transport for NSW số **02 8849 2308**.