

Property acquisition of subsurface lands

JANUARY 2015

Roads and Maritime Services 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 Roads and Maritime will, at the relevant time, contact owners of directly affected properties.

If private property is directly affected, Roads and Maritime has the authority to acquire the subsurface land, under the *Roads Act (1993)* NSW, by a compulsory acquisition process. The steps for the compulsory acquisitions 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 property (see “Construction of a Road Tunnel”). In the large majority of subsurface acquisitions, compensation is not payable.

Appendix C of the Roads and Maritime *Land Acquisition Information Guide* sets out in detail the compensation provisions of the Act relating to acquisition for underground easements and tunnels. Further information is available on the Roads and Maritime website at

<http://www.rms.nsw.gov.au/documents/projects/factsheet-land-acquisition-information-guide.pdf>

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, Roads and Maritime 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.

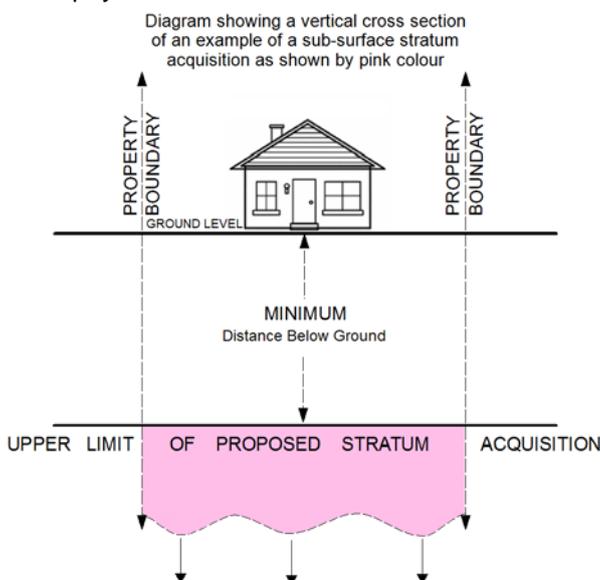
Draft road project plans may also be made available at <http://www.rms.nsw.gov.au/projects/index.html>

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.

Before work starts, a condition report on the property will be prepared, on behalf of the road building contractor, and a copy will be forwarded to the owner (free of cost).

In the unlikely circumstances that the owner, at some later time, finds it necessary to make a claim, then the claim will be investigated and any damages assessed.



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

Subsurface Land and Easement Acquisition Process

Roads and Maritime will write to the 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, Roads and Maritime will arrange for the compulsory acquisition of the required subsurface land or easement.

There will be no action required for the owner as Roads and Maritime will arrange, at its cost, for all action in relation to surveys of the required land, compulsory acquisition and land title dealings.

Valuation and Legal Fees

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

Future road project information

To find out whether any part of a property is directly affected by a Roads and Maritime project, you can first make contact with regional Roads and Maritime officers, and discuss the matter with Infrastructure Property staff or, for a fee, make a "Property Inquiry" to Roads and Maritime Services.

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 council environmental or other planning documents may also identify land zoned or reserved for future roads. 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 149 certificate and is made available at a fee. In this way, a prospective buyer may see if Council has an existing zoning which indicates a property may be required for future road development.

To contact Roads and Maritime

- 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 Roads and Maritime Services 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
- Make a "Property Inquiry" online at www.rms.nsw.gov.au Click on Online Services/Business Partners/Online Property Inquiry System



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 Roads and Maritime Services on 02 8849 2308.

Arabic

إذا كنتم بحاجة إلى مترجم، الرجاء الاتصال بخدمة الترجمة الخطية والشفهية (TIS National) على الرقم **131 450**.
والطلب منهم الاتصال بوكالتكم على الرقم 02 8849 2308.

Cantonese

若你需要口譯員，請致電 **131 450** 聯絡翻譯和口譯服務署 (TIS National)，要求他們致電 02 8849 2308 聯絡 Roads and Maritime Services。

Mandarin

如果你需要口译员，请致电 **131 450** 联系翻译和口译服务署 (TIS National)，要求他们致电 02 8849 2308 联系 Roads and Maritime Services。

Greek

Αν χρειάζεστε διερμηνέα, παρακαλείστε να τηλεφωνήσετε στην Υπηρεσία Μετάφρασης και Διερμηνείας (Εθνική Υπηρεσία TIS) στο **131 450** και ζητήστε να τηλεφωνήσουν Roads and Maritime Services στο 02 8849 2308.

Italian

Se desiderate l'assistenza di un interprete, prego telefonare al Servizio Interpreti e Traduttori (TIS National) al **131 450** chiedendo di contattare Roads and Maritime Services al 02 8849 2308.

Korean

통역사가 필요하시면 번역통역서비스 (TIS National)에 **131 450** 으로 연락하여 이들에게 02 8849 2308 번으로 Roads and Maritime Services 에 전화하도록 요청하십시오.

Vietnamese

Nếu cần thông ngôn viên, xin quý vị gọi cho Dịch Vụ Thông Phiên Dịch (TIS Toàn Quốc) qua số **131 450** và nhờ họ gọi cho Roads and Maritime Services qua số 02 8849 2308.