

Subsurface land acquisition

Western Harbour Tunnel Stage 2

February 2024

About the project

Western Harbour Tunnel is a major transport infrastructure project that will make it easier, faster and safer to get around Sydney.

Subsurface acquisition process

Transport for NSW (Transport) manages all property acquisition for the Western Harbour Tunnel project and will compulsorily acquire 'subsurface' land to create a path for the tunnel underground. This includes acquiring land that lies directly under private properties.

The surface of the land and any buildings or other structures on it will not be affected by subsurface acquisition, therefore in most circumstances, no compensation is available.

Transport will write to property owners well before tunnelling is due to start in their area to confirm that subsurface property acquisition is required and to provide key information about the process. The Land Access Team will then issue a letter to commence the formal acquisition process, followed by a Property Acquisition Notice (PAN) which is issued by the Statutory Lands Team. The PAN includes a sketch indicating the land or easement below the surface which needs to be acquired.

Protecting property

Tunnelling is a safe and commonly used construction technique that is unlikely to cause damage to property. To provide you with further peace of mind, all properties within a zone on the surface equal to 50 metres from the outer edge of the tunnels will be offered a property condition survey both before and after construction of the Western Harbour Tunnel. This will ensure there is a clear record of the property's condition and if any damage is attributed to the project, it will be repaired at no cost to the property owner.

An Independent Property Impact Assessment Panel (IPIAP) has also been established to verify building condition survey reports, resolve any property damage disputes and establish ongoing settlement monitoring requirements. Panel members are highly qualified in the fields of structural, geotechnical and civil engineering and are independent of the government and project.

The construction contractor for Western Harbour Tunnel Stage 2, ACCIONA will be in touch with all eligible property owners before tunnelling is due to commence in the area to offer a property condition survey. We strongly encourage you to take up this offer.



whtbl@transport.nsw.gov.au
transport.nsw.gov.au

Frequently asked questions

Can I still carry out alterations to my property?

Yes. In most cases, subsurface land acquisition and construction underground will not affect the future use of your property. It will still be possible to carry out property improvements such as installing a swimming pool or adding a storey to the building via approval through your local council.

How do I find out where the tunnels are?

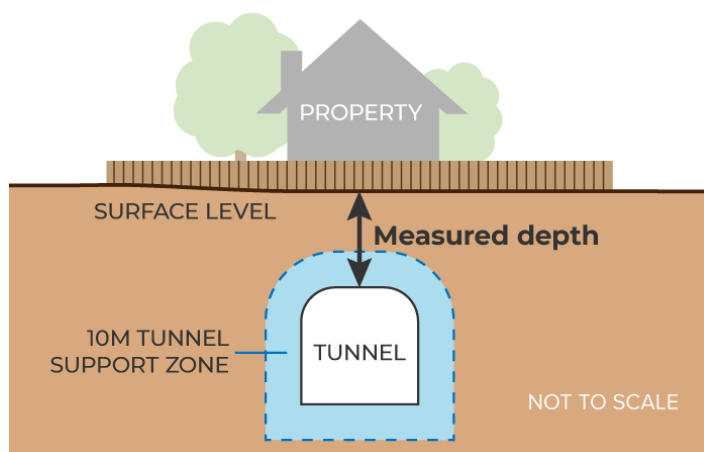
More information about the tunnels, including their type, location and depth in relation to your property is available to view on the interactive tunnel tool at: nswroads.work/whtportal-tunnel-tool

How much land will need to be acquired?

Transport for NSW will only be acquiring the amount of subsurface land required to safely construct the tunnels and provide long term protection for the new infrastructure.

Does subsurface land acquisition alter land ownership?

Pre and post-acquisition of the required substratum footprint for the tunnel and its supporting infrastructure, notations will be made to your property's title to reflect these changes.



Pre-acquisition of substratum, a notation that states “there is an intention to acquire subsurface land” will be added to the property's title. This does not alter the ownership of the surface land.

Post-acquisition of substratum, a notation that states “the land described in this title is limited in stratum” will be added to the title. The impacted lot will be subdivided into three ‘layers’: one for the surface property, one for the tunnel, and one for the substratum underneath the tunnel. The surface lot folio will retain any pre-existing encumbrances (i.e., easements). The surface lot will be retained by the landowner, and the tunnel and under-tunnel substratum will be owned by Transport for NSW. Again, there is no alteration to the ownership of the surface land.

What legislation applies to subsurface acquisition?

Transport for NSW's acquisition of the land beneath property is authorised under the *Roads Act (1993)* and will occur pursuant to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Am I entitled to compensation from Transport for the acquisition of the subsurface land?

The *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* explains that property owners are not eligible for compensation for subsurface land unless specific circumstances apply.

Contact us

For any queries about the subsurface property acquisition or Western Harbour Tunnel, please call **1800 931 189** (toll free) during office hours (8.30am to 5pm Monday to Friday) or email whtbl@transport.nsw.gov.au. Alternatively, you can visit our website at nswroads.work/whtportal