

The Sydney Metro Rail Project – Does it affect you?

Property owners, including owners corporations and their strata managing agents, have been receiving letters from Transport for NSW (“TfNSW”) in relation to the Sydney Metro rail project.

The project is expected to commence in 2018 and be completed in 2024. It involves a new standalone railway with 31 stations and two new harbour tunnels. You can obtain route and other details here [Info](#).

Considerations for owners corporations and their strata managing agents include:

- TfNSW has identified private properties, under which a substratum area will be required, for the purpose of constructing and operating tunnels as part of the project. It is sending the owners of these properties letters containing general information and these will eventually be followed with letters initiating the acquisition process. Besides compulsory acquisition of these tunnel areas, there will be other impacts, including noise, vibration, traffic disruptions and in some cases limitations to future use of your land. Affected owners should try to obtain as much information as possible about how their specific property will be affected.
- The acquisition and compensation process is going to be controversial. For above ground acquisitions, compensation would normally be payable under the Land Acquisition (Just Terms Compensation) Act 1991. For tunnel acquisitions, TfNSW’s position is that the Transport Administration Act 1988 precludes compensation for acquisitions of land for underground rail facilities, except in very limited circumstances. Generally, it will only be available where “the surface of the overlying soil is disturbed or the support of that surface is destroyed or injuriously affected by the construction of those facilities”.
- Affected owners should obtain legal advice as soon as possible. Although limited, compensation will be available in some cases, if properly pursued. Also, it may be possible to mitigate other impacts, if identified in advance.

Prepared by Bannermans Lawyers

24 October 2017



T: (02) 9929 0226 M: 0403 738 996 ABN: 61 649 876 437
E: dbannerman@bannermans.com.au W: www.bannermans.com.au
P: PO Box 514 NORTH SYDNEY NSW 2059 AUSTRALIA