

Identifying Adjacent Land

COVID-19 Recovery (Fast-track Consenting) Act 2020

15 October 2020

Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (**Fast-track Consenting Act**), consent applications and notices of requirement, must include the full name and address of each owner and each occupier of land adjacent to the project site.

Purpose of this document

To provide consent applicants and requiring authorities under the Fast-track Consenting Act with guidance on how to identify land that may be considered to be adjacent to the project site. This will assist them in complying with Clauses 9(1)(d) and 13(1)(f) of Schedule 6 of the Fast-track Consenting Act.

Clauses 9(1)(d) and 13(1)(f) of Schedule 6 of the Act

Every consent application or notice of requirement for a listed or a referred project must include the full name and address of each owner of land adjacent to the site and each occupier of land adjacent to the site who, after reasonable inquiry, is able to be identified by the consent applicant or requiring authority.

Meaning of “adjacent”

Adjacent land can be land that is near or next to the project site. It could include:

- Land that has a common boundary, or is contiguous with the project site (see figure 1 below).
- Land that is close enough to be considered to form part of the context of the project site. This could be:
 - Land that is not contiguous but is directly across from, or separated by, a road, rail corridor or watercourse (see figure 2 below).
 - Land that is surrounded by land that is considered to be directly adjacent (see figure 3 below).

The coastal marine area

The coastal marine area (CMA) is considered to be a subset of land. If the CMA is adjacent to the project site, this could be considered adjacent land. For example, current coastal occupation permit holders may then be considered occupiers of adjacent land, and their full name and address would be required (see figure 4 below).

Disclaimer

What is regarded as adjacent land will be determined on the facts in each case. We recommend applicants and requiring authorities seek independent advice on this.



Figure 1: Example of adjacent land that is next to the project site



Figure 2: Example of adjacent land separated from the project site



Figure 3: Example of land that could be considered to form part of the context of the project site

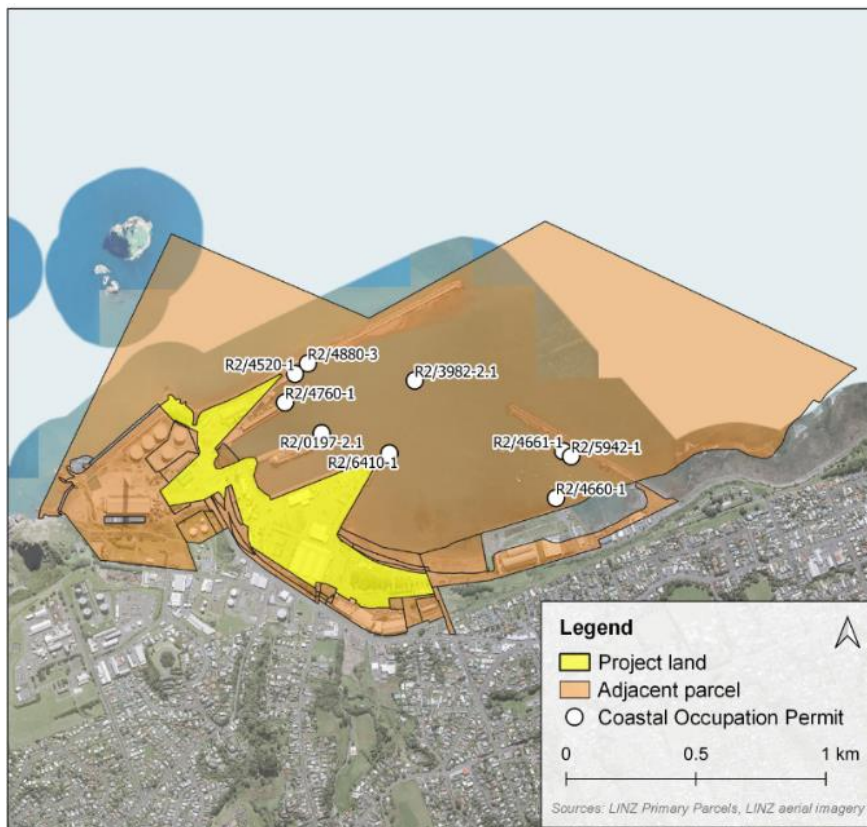


Figure 4: Example of coastal marine area that could be considered adjacent to the project site