

Identifying adjacent land

Under sections 53(2)(h) and (i) of the Fast-track Approvals Act 2024, the panel must direct the EPA to invite comments on a substantive application from the owners and occupiers of the land to which the substantive application relates and the land adjacent to that land.

Meaning of “adjacent”

Adjacent land can be land that is near or next to land to which the substantive application relates (“application land”).

It could include:

- Land that has a common boundary or is contiguous with the application land (see figures 1 and 3 below).
- Land that is close enough to be considered to form part of the context of the application land. 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 figures 3 and 4 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.

Disclaimer

What is regarded as adjacent land will be determined by the panel on the facts in the context of each substantive application. This guidance does not constitute and is no substitute for legal advice. The EPA will not be liable, whether in contract, tort, equity or otherwise, for any action taken in reliance of any aspect of this guidance, including any error, inadequacy, deficiency, flaw in, or omission from the information contained in this guidance.

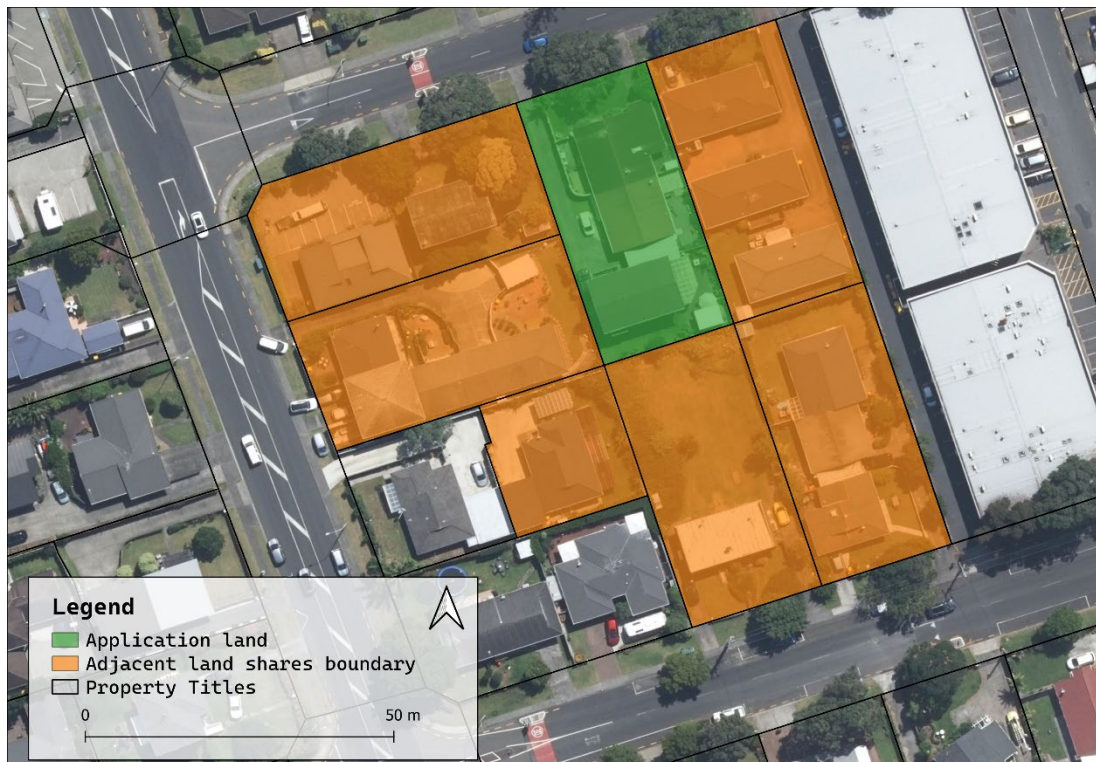


Figure 1: Example of adjacent land that is next to the application land



Figure 2: Example of adjacent land separated from application land by a road



Figure 3: Example of adjacent land surrounding other land



Figure 4: Example of adjacent land surrounding other land