



**NSW MARITIME DRAFT LAND OWNER'S CONSENT POLICY
BRIEFING NOTE
14 FEBRUARY 2007**

Total Environment Centre (TEC) has a number of serious concerns with the Draft Land Owner's Consent Policy. If adopted the draft policy would seriously compromise protection of aquatic environments, waterfront areas and access to public open space within Sydney Harbour, Botany Bay, Newcastle Harbour and Port Kembla.

TEC strongly opposes the removal of current limitations on granting owners consent under the *Land Owner's Consent Manual*. Control of waterfront development would fall mainly to local Councils. We strongly believe that it is essential that NSW Maritime retain an active role in assessing the appropriateness of proposed use of public land under its control. The NSW Government has a duty, as custodian of the harbour and its foreshores, to ensure that they are managed for the benefit the entire community, not just the interests of a small group of developers and waterfront owners. It is difficult to see how local councils could fulfil this role in a coordinated way that takes into account wider regional and city wide considerations.

Relying on local councils to control waterfront development would seriously jeopardise sensitive aquatic environments and could lead to increased disturbance of contaminated sediment. Protecting the environment of Sydney Harbour and preventing the release of contaminants trapped in sediments after centuries of environmental abuse requires detailed regional planning and expertise in environmental management. Ad hoc planning by local councils in the foreshore areas will have serious consequences for the environment of Sydney Harbour.

It is also important to note that owners consent fundamentally differs from planning consent in that it is not subject to appeal. In this respect it represents a much stronger level of protection than afforded by ordinary planning assessment.

We note with concern, also, that current requirements that structures must not restrict existing or future public access along and to the intertidal zone do not appear in the draft policy. This represents a serious diminution of protection of public access.

TEC is also alarmed at the failure to retain provisions in the *Land Owner's Consent Manual* prohibiting excavation and cutting of rock within the intertidal zone, requiring that boatsheds be located above the high water mark wherever possible, restricting the size of private landing facilities, restricting marina and boating facilities to the minimum size necessary and prohibiting swimming pools on submerged land. Removal of these requirements will open the way to massive overdevelopment of waterfront areas.

TEC calls on the NSW Government to withdraw the proposed changes to the Land Owners Consent Policy and to ensure the protection of and public access to waterfront lands.