Review of Rental for Domestic Waterfront Tenancies in NSW
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

SUBMISSION

I have read the Issues Paper provided by the IPART and the Submission made by W.E.A.R Inc (Waterfront Environment Action Reform) dated 17 November 2003. I agree with that Submission and with the proposals under the heading "Summary" at pages 4-5.

My wife and I own the property (address deleted). It is waterfront property adjoining the Ku-ring-gai Chase National Park. Therefore, we have only water-based access to our property.

As the area below mean high water mark is Crown land, we hold licence number (number deleted) over that area at the foot of the property. We maintain a jetty and pontoon for safe access to the land from Pittwater. The present licence fee is $257 p.a.

That sum more than adequately covers the administrative costs of our licence, being the annual postage of a notice of fees due and the receipt and banking of my cheque. In the 13 ½ years we have had the property, no other administrative action has been required or (to my knowledge) administrative cost incurred.

The Terms of Reference of the Review request the Tribunal to consider "aligning rental returns to reflect and maintain their market value". The market value of the area of Crown land covered by our licence is nil.

They also request the Tribunal to consider "ensuring that rents cover, at a minimum, administration costs". Our licence fee is already far higher – indeed, it could be reduced to $20 p.a. and still cover costs.

They also request the Tribunal to consider "appropriate equity arrangements for special circumstances (such as, where owners only have water-based access to their properties)". In that respect I draw an analogy with non-waterfront properties. I note that ordinary householders on suburban land who are car users are entitled, free of charge (except in densely populated city areas where a general parking fee may be imposed – and even then residents are usually exempt), to park their cars on Crown land (the street) outside their premises and to drive their cars, free of charge, into their properties. They are not charged for nature strips (Crown land) outside their front boundaries (even though they may maintain and, appropriately, improve those areas). Those principles should apply also to properties that have only water-based access. Instead of a car we have a boat. Instead of a driveway we have a pontoon on a jetty.

In my submission, for water-based access only properties:

1. They should not be dealt with on the basis of any approach or formula developed for dealing with properties that have both land and water-based access. That would be to impose an inequitable burden.
2. There should be no charge for these licences beyond the minimum required for appropriate administration (which is a very small sum).
3. There should be no nexus between the licence fee and the market value or unimproved land value of the adjoining property. There is no connection in principle between the two.
4. There is no justification for the imposition of a "wet berthing fee".

Yours faithfully

N R Cowdery AM QC

2 December 2003