

18 November 2003

Independent Pricing and Regulatory Tribunal

Submission to Review of Rentals for Domestic Waterfront Tenancies in NSW

I wish to make a submission to the Review particularly addressing the issue of domestic residential properties which are only accessible by water.

In such cases I believe it is inequitable for any rentals to be applied to any jetty, pontoon, pier or other structure which has the purpose of enabling the residents to access their property where this is the only means of access, ie where no alternative access by road is available.

This is the situation where I live at Collingridge Point, Berowra Waters. There is no road access to this or the neighbouring properties – the nearest point where a car can be parked is some 3 kilometres away upriver, near the Ferry Crossing. To access our property requires a journey by boat and necessitates a pontoon adjoining our property.

Residents in this situation already face many more imposts than those with road access. Not only are there no roads or footpaths but there is no water or sewerage or garbage service provided by the Council and every single item entering or leaving the properties has to be transported by boat.

To require “rental” payment for pontoons, which are the only means of access, would be similar to requiring those in normal urban areas to pay rental for their footpaths, crossovers and driveways to access their properties and a fee to park a car at the kerb. This is not a situation which would be seriously contemplated and it should not be considered for those of us who have no other way of accessing our properties. The river is our road and the pontoon the place we park the equivalent of the car – our commuter boat.

This is not a matter of luxury or amenity – it is one of necessity.

I would also like to draw to the attention of the Tribunal the fact that these pontoons are also required for the provision of emergency access and therefore perform a “public access” function rather than simply a “private” one.

In December 2002 during the fires the Rural Fire Service availed themselves of these pontoons to access the fires burning behind the houses all along the river. The pontoons also provide access to Energy Australia and Telstra in maintaining

the public infrastructure of electricity and telephone networks as these providers also have no other means of access. As well, they provide access to council health inspectors who are required to monitor on site water treatment systems.

It should therefore be recognised that these pontoons perform the function of providing public access to government officials and utilities as well as private access (similar to a public road and footpath) and should therefore be treated in a similar manner.

The situation I have described is entirely different to properties which can be accessed by road, driveway or walkway as the primary means and where access by water is an additional option rather than the only one. In the former case there is a choice of access routes – in our case there is none.

Therefore I submit that the only equitable comparison is with the access provided free of any rental charge to every other citizen from their residence to the public domain via their crossover (which lies on public land) to the roadway.

I trust that the Tribunal will take these issues into account in considering the case of those people with water access only and ensure that we enjoy the same rights of access, under the same terms, as other citizens.

This would require that no rental fee is charged in respect of our pontoons.

Yours sincerely

Sheridan Dudley