IPART
Review of Domestic Waterfront Tenancies
PO Box Q290
QVB Post Office
NSW 1230

12 November 2003

Dear Sir/Madam,

Re: Proposed Changes to Rental Fees for Jetties in NSW waterways

I write in response to the invitation to put a submission to the Review of Domestic Waterfront Tenancies inquiry.

I believe it is not in the interest of NSW citizens to change the present system for the following reasons:

1. a licensing system is already in place and licencees pay an annual fee for the use of the structures
2. this fee rises every year in line with the CPI
3. the structures have been in place in many cases for many years and are an important part of the heritage of our waterways
4. it is important for these licensed structures to be maintained in good condition – an increase in fees may result in the structures being abandoned (as many have throughout NSW waterways)
5. many jetties are attached to properties that are owned by persons who are not wealthy – Sydney Harbour is an exception
6. the structures really lack value to anyone but the adjoining property owner

There are significant differences in the types of structures that currently exist. I believe it is absolutely erroneous to be classifying jetties, or pontoons on the same basis as structures such as boatsheds, swimming pools and other permanent features that have become a permanent part of the landscape. In many cases, the shoreline has been changed as a result of encroaching beyond the property boundaries.

One must also be careful to distinguish between tidal and non-tidal structures. Deep water facilities are obviously worth much more to the owner than a tidal structure. A tidal structure at low tide for example is of limited value to the licencee. Structures in tidal waters may be longer than those in deep water. It would be totally unfair to charge owners more for these than those fortunate enough to have deep water frontages. Furthermore, many of the licencees of these structures allow and in fact encourage their use by others. In at least one case to my knowledge, the structure, situated amongst mangroves, is used as a resource by the community to study wetlands. In other words it's a shared resource.

One must also ensure that all structures are licensed. It is well known that many structures do not have a P.O. and/or licence. In the event of a fee rise those licensees currently “doing the right thing” will be further disadvantaged.

In summary, I believe the status quo should remain. Why not let prior use apply? However should any increase be contemplated it should be on a sliding scale on the following basis:

1. deep water frontages where crown land has been built on creating a “permanent” addition to the property – this can be seen for example by the use of timber decks, lawns, boatsheds and even swimming pools
2. deep water frontages for pontoons, jetties
3. tidal water frontages – jetties
4. furthermore, rents should not be calculated on an area basis because the less valuable, tidal water accesses which require excessive length to access the water at high tide, will be unfairly treated.

Alternatively, a fairer system would be to apply any new formula to all new structures. It is un-Australian as well as politically naïve to expect hardworking taxpayers to wear a retrospective impost such as a significant increase in licence fees.

Yours sincerely,

David Laurence