

Leong Lim and Anne Conway

Review of Renta for Domestic Waterfront Tenanciesin NSW
Independent Pricing and Regulatory Tribunal
PO Box **Q290 QVB** Post Office
NSW **1230**

24 November 2003

Submission on the Review of Rental for Domestic Waterfront Tenancies in NSW

We are the owners of on the (address deleted)
Hawkesbury River. This land is a residential block of land in Hornsby Shire which
is only accessible by water. We have a jetty which we share jointly with our
neighbours at(address deleted). The jetty is licensed by the Department of Lands
and is constructed on the boundary between the two blocks of land.

Milsons Passage is a rider settlement on the Hawkesbury River and all of the blocks
of land are only accessible by water. This means that there is no other way for us to
get to our block other than by private boat from a jetty on the River. There is no
reliable or affordable water taxi service or any regular dedicated passenger ferry
service to the settlement. The only public jetty is over 200m from our property and
there is no dedicated public thoroughfare or foot access to it.

We have submitted a DA proposal for the construction of a house and boatshed on
our land and when we have built our house we intend to live and retire there
permanently. This jetty is essential for us to be able to access and have full peaceful
enjoyment our land. It is mast inappropriate (and we find it offensive for anyone) to
presume that this basic necessity is for extra-curricula "private recreational use".

We note that the Department of Lands is the steward of public lands in New South
Wales and needs to **ensure that, with reference to jetties for** private recreational

use, rents should more accurately reflect current market values of adjoining dry land, We support this for all commercial and rental properties on the river as well as for properties with alternative access from land.

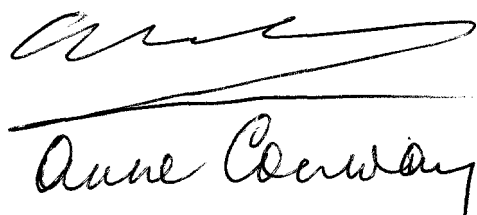
However, we do not believe that this is an appropriate formula to apply to non-recreational jetties in water access only properties on River Settlements. Jetties on River Settlements are not an indulgence or an extravagance, they are an "essential amenity". There is no commercial gain or opportunity benefits to us in having our jetty. The State is not forgoing any potential rental that could be realised from commercial recreational use of our jetty.

A rental formula for domestic waterfront tenancies based on the valuation of adjoining land would be totally inappropriate for water access only blocks on River Settlements. It would price ordinary Australians out of the River Settlements who will then be supplanted by the well-to-do people who could afford the high cost of having a jetty.

We believe that we have taken a responsible approach limiting the impact on the environment by sharing the jetty with our neighbours. Given this situation, and the unique circumstances of having no alternative access to our land or the prospect of having one, we believe that we should not be further penalised by having the rental on our jetty increased on the presumption that it is there for private recreational use. We believe that it would be unreasonable, inappropriate and inequitable to base the rental formula for the jetties for water access only blocks on the statutory land valuation of adjoining dry land. This fiction that all properties that have a jetty are the same regardless of the circumstances of their locations is fundamentally flawed. To set rental indiscriminately without these relevant considerations would cause substantial financial burdens on the ordinary people who are the current owners of these water access only blocks on River Settlements.

Yours sincerely,

Leong Lim & Anne Conway

A handwritten signature in black ink, appearing to read 'Anne Conway', with a horizontal line drawn above it.