

1 December 2003

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

Dear Sir/Madam

**Re: Stakeholder Submission re Review into Rentals Paid to the Waterways Authority or the Department of Lands for domestic waterfront tenancies in NSW and the administration of these tenancies.**

We are permanent residents of Dangar Island and members of the Brooklyn Mooring Co-operative and in regards to the matter in question, we wish to submit the following information:

### **Living in a Water Access Only Locality (WAO)**

Foremost, for the uninitiated, we would like to highlight the fact that there are numerous difficulties in living in a waterbound locality, not least of which is the safe transport of people and goods from the mainland to the place of residence on the river.

For those who are not familiar with the requirements of living in isolated areas, it should be stated that this transport of goods is not simply a matter of a few shopping bags. In reality, when shopping for a family, there can be as many as 20 grocery bags each week. In addition, the goods to be transported can be heavy items such as building materials (bags of cement, paint etc), landscaping materials (plants, large pots, potting mix etc) and numerous other items associated with day to day living and building maintenance in any location.

Family visitors, are not able to drive to the front door, there is the necessary transfer guests by boat from the mainland to our home.

**Considering the facts above, how can a jetty or pontoon, or ancillary storage facilities (boatshed) be remotely construed as recreational usage or as a luxury? Surely it can be clearly identified that this day-to-day transport of people and goods is a practical necessity when living in a water access only locality.**

### **Ethical and Moral Considerations**

The IPART review committee can be assured that we are hardworking Australian citizens, born in the industrial suburb of Granville, later residents of the western outer fringes of Sydney (only land we could afford) , who **can not** by any stretch of the imagination be construed as being wealthy! It is true, that we now own a waterfront property at Dangar Island, but live in a MODEST, TWO BEDROOM, ONE LIVING AREA, ONE BATHROOM COTTAGE.

The proposal to charge rent on water structures at 3% of market value suggests an equation that:

Waterfront property ownership = wealthy residents well able to pay substantial  
regulatory fees

**We wholeheartedly dispute this assumption** and suggests that in applying the principle suggested by the Department of Lands and the Waterways Authority of charging rental returns reflecting market value they are, in effect, **driving hardworking Australians of modest means, from their homes.**

In view of the matters raised in this letter, our submission effectively parallels the objectives stated in the W.E.A.R. as follows:

**Rentals:**

- ❖ WAO property owners should not be subject to any rental, fees, costs or other charges based on valuation of adjoining land
- ❖ The concept of market rent does not exist in relation to water access only properties as there is only one potential tenant
- ❖ There should be no on-going rental fees or charges for safety access structures attaching to WAO properties. Any associated fees or charges to be nominal and designed to only cover administrative costs associated with preparation of documentation.
- ❖ No wet berthing fee be charged to moor boats at an approved jetty or pontoon.

**Administration:**

- ❖ The earlier Permissive Occupancy (PO) and present licence system which offer no security of tenure be replaced by either:
  - a) A permanent easement attached to title or
  - b) A 99-year lease which automatically transfers to heirs, executors and assigns and to incoming purchasers when a property is sold or
  - c) Conversion to freehold title.
- ❖ The consent authority to be the Waterways Authority together with local councils and NOT the Department of Lands
- ❖ New applications for safety access structures, and any applications to vary existing structures to be determined within a statutory time frame, say not exceeding 90 days, with full right of appeal thereafter.

We sincerely hope that IPART's Final Report to Ministers will reflect an accurate picture of the **genuine hardships to residents** should the formula proposed by the Department of Lands and the Waterways Authority be implemented.

Sincerely

Ken and Frances Malzard

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