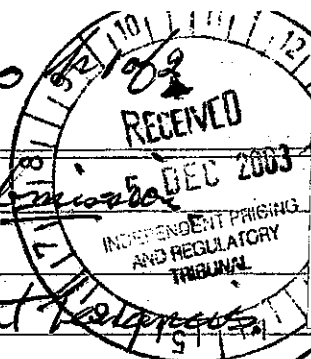


To <sup>140</sup> page one of two  
PART Submission  
Review of Rental  
for Waterfront Properties



Water Access only.

Dear Sirs

Our house is at Bar Pt and we can only reach it in a boat. There is no road track or even fire trail. Owing to the rocky fore shore there is not even the possibility of walking along the shore to the Pacific Hwy.

Governor Philip first explored the River in 1789. During the intervening 220 years the river settlements such as ours have been able to enter & leave our houses without exorbitant charge or Penal Taxation. Other people with houses fronting a street or road are not charged the projected high & penal charges.

Householders with water access only should be treated the same as all other house owners in NSW.

As the oyster farmers have the right to convert their wharves & oyster leases to Torrens Freehold Title why ~~do~~ <sup>are</sup> householders prevented from having a similar right.

We have an essential Right (that is not a privilege) to be able to enter & leave our houses by jetty & boat. This RIGHT has existed since Gov Philip explored the River and Governor Bligh granted the first land and our River settlements were first inhabited. ESSENTIAL RIGHT

The second page of our submission is attached. We agree with each of the clauses intitled

Please place before the Tribunal

sincerely Peter Makinson

Makinson

**W.E.A.R. Inc**

**Waterfront Environment Action Reform**

Points to consider in submissions to IPART

General:

- ✓ Water access only (WAO) property is clearly distinct from other waterfront property with road access in that waterfront structures adjoining WAO property are our only means of access i.e., are necessity for safe access and not for recreation or leisure use. PHM
- ✓ The right to access our properties across Crown Land (the river) was implicit in the original Crown Land subdivision. Such access is a right and not a privilege which should incur no financial penalty. PHM
- ✓ The river is our road, our boat is our car, and the jetty or pontoon is where we park our commuter boat. We ask for the same rights as all other Australian citizens that is free and unencumbered access to our homes. PHM
- ✓ WAO property owners are entitled in principle to safety access structures including: jetties & steps, hand rails, ramp and pontoon, seawalls, mooring poles, slipway and ancillary storage facilities. PHM

Rentals:

- WAO property owners should not be subject to any rental, fees, costs or charges based on valuation of adjoining land. PHM
- The concept of market rent does not exist in relation to water access only properties as there is only one potential tenant. PHM
- 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. PHM
- No wet berthing fee be charged to moor boats at an approved jetty or pontoon. PHM outrageous.

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 please PHM
  - or
  - b. A 99-Year lease which automatically transfers to heirs, executors and assigns and to incoming purchasers when a property is sold PHM please
  - or
  - c. Conversion to freehold title. PHM please
- (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. PHM
- One uniform policy for Hawkesbury River, Berowra Creek and Pittwater areas. PHM
- Policy matters within the consent authority which affect WAO property owners to be determined in full consultation with WAO community members. essential PHM
- The consent authority to provide a Policy Handbook for WAO property owners and to maintain a Development Consent Register available to any WAO applicant or other member of the public showing terms & conditions of any tenure given over Crown Land (the river). PHM

Makinson Submission

Peter H Makinson  
Makinson

Page 2 of 2

Makinson Submission IPART  
"Rentals Water Tenancies"

3 Dec 03