

Review of Rental for Domestic Waterfront Tenancies in NSW Independent Pricing and Regulatory Tribunal

IPART Submission

4 December 2003

We are long-standing permanent residents of a water-access-only property at Bar Point on the lower Hawkesbury River. Bar Point is a small community, like many others on the river, consisting of residents having to commute to work, take their children to schools elsewhere, pensioners who have lived here since the land was subdivided in the 1960s, and young families and others who have moved here because of the perceived lower house prices on the river. Many people have settled here without initially realising the true cost of a largely self-reliant lifestyle, with only tank water and without any of the council services taken for granted by people who have a road outside their home.

As a water-access-only community without any means of accessing our homes but by private boat (often a simple 'tinny' – there are no luxury cruisers here) we are personally responsible for the cost of having a jetty or wharf constructed to enable us to access our homes. We have the associated difficulties and waiting time (over three years in our own case!) of getting permission for such construction from the various bureaucracies responsible – the Lands Department, Fisheries, the local council. In our own case, we share a wharf with five other residents, each of whom shared the \$80,000 construction fee, and now share the annual public liability insurance of \$1000 (required because our wharf is adjacent to a Crown land reserve), maintenance fees, and an annual rental of \$600. We do not use our wharf for 'private recreation'. Nor can we sub-lease it, as this is illegal under the terms of our licence.

The community also lacks a publically provided mooring facility on dry land off the river, and people who need to commute daily have the additional expense of paying a commercial wharf owner in Brooklyn a monthly fee of over \$100 so that they can park a car and their boat there.

We therefore feel highly aggrieved at the injustice of the proposal to impose further charges such as a property-value linked fee and a wet-berthing fee for what we consider a fundamental right to access our homes. We most strenuously object not only to any further imposition of onerous fees such as outlined in the Issues Paper, but request that water-access-only property owners be liable only for an annual administrative fee for their jetty or wharf facility.

Compare our situation with that of land-based property owners who are free to park their cars on Crown land in front of their houses, who are provided with boat

ramps to facilitate their recreational use of the river without further charge, and who are not levied fees apart from the rates and taxes that we all pay.

It is therefore some consolation that your Issues Paper does appear to recognise water-access-only residents as a separate category that cannot be compared with waterfront property owners who also have road access.

In accordance with the key issues of the review, we propose the following:

1. That water-access-only properties be designated a separate category within the Crown Lands Act, with access being incorporated as a right (not a privilege) so that equity with mainland property access be established.
2. That the concept of 'market value' or 'value added' be deemed irrelevant in relation to water-access-only properties, which should be levied only an annual administrative fee for their legally established wharf or jetty.
3. That, In the absence of mooring facilities provided by the state government, water-access-only property owners be subsidised for the costs of construction and maintenance of structures enabling them to come and go from their homes.
4. That Crown land water issues such as jetty and wharf construction be managed by a single government organisation (preferably Waterways as a consent authority), with responsibility for administration, approvals and appeals handed to local councils, and with all applications to be determined within a specified time frame.
5. That all Crown land water management be transparent and consultative, with Freedom of Information access being available and a 90-day right of appeal against any disputed decisions made.

Finally, because there is currently no automatic right to transfer a wharf or jetty licence or lease when the sale of a property takes place, it would be just to offer security of tenure by either a permanent easement attached to house title, conversion to freehold title, or a 99-year lease which can be assigned to a new owner.

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