

Review of Rental for Domestic Tenancies in NSW
Independent Pricing and Regulatory Tribunal
PO Box Q 290
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November 27, 2003

Waterfront Tenancies in NSW

In the first instance I should point out that I have only today learned of the above review via a neighbour. I would have thought it proper for the Department of Lands to notify me directly. I have an obvious interest, and they are aware of my contact details. If this was not done I feel the December 5 cut-off should be extended to enable a mail out to all License holders. My apology if an advice was sent. I don't recall it.

By way of background, I am the owner of a residential property on Berowra Creek, at Coba Point. My property is water access only, being on a peninsula of land, and immediately fronting Berowra Creek. It is otherwise surrounded by other private properties that then adjoin Marra Marra National Park. My property has a telephone service, but we rely on our own solar power, solar hot water, and rainwater collected in on site tanks. Supplies are obtained from the shopping center at Berowra Heights. The journey from my property to Berowra Heights involves an 8-kilometer boat trip, followed by another journey in a car. Some might be daunted by such challenges, however the property has been in my family for 55 years. As a youth I struggled to do my school homework under a kerosene lamp, chopped wood for the stove & fire, helped grow vegetables, and caught fish to eat. Things are more comfortable these days, however I find the place no less enchanting. Currently, a weekender, it will again become home to myself & my wife, at some time over the next 18 months.

I was alarmed, therefore, to learn that there were moves afoot that might increase the cost of the license to retain a jetty at my property. After all, without a jetty, how can I come ashore without wading through water, (and mud and sharp rocks when the tide is low)? All supplies are brought in by boat. How could I bring them ashore in safe ty without a jetty? That is my situation.

On the basis of equity, I have given some thought to the question of cost of Licenses to occupy public space for the purpose of jetties, (and ramps/pontoons.) I consider that my jetty is not unlike a driveway that crosses the public space in front of a suburban home. Both facilitate the entry to private property from public space. The difference being only that the prevailing tidal waters at my property require my crossing to be not at ground level, but at some height above it. It may appear different to a driveway, but it serves exactly the same purpose. That is, access my property at all times. Like a driveway, it does not hinder access by the public who may pass by. In view of this, I am happy to offer the same payment as a suburban property owner pays for the use of public space, and the improvements thereon, to access their property. I understand that approval for construction of the latter (driveway,) is required from local council, but there is no ongoing annual charge. This seems a reasonable and simple process, and would represent an equitable outcome of the Review.

It also needs to be understood that there is a component of civil co-operation in the provision of a jetty to a waterfront access only property. Since there is no road access, my jetty provides sole access by emergency, (ambulance, police & fire,) services, not only to my property, but also to the property behind me. I particularly note that the local Berowra Waters Bush Fire boat used my jetty during the fire emergency last January. And they were more than welcome to do so. Other public bodies also use my jetty when visiting my property, (Waterways and Local Council.) Telstra have used it when servicing the community telephone line.

I have also considered the situation of properties that have both water and road access, where the property also has a jetty. In my view, these properties should be assessed separately from those that can be accessed only by water. I've heard the spurious argument that jetties improve property value. Well of course they do! My property would be worth nothing if I couldn't get to it. I believe it is surely a basic Australian, if not International right that you should have free and unhindered access to your own property. After all, if you cannot access something, you must question whether you really own it.

I trust the Tribunal will be assisted by my comments, and that they will support the lifting of any license fee for access to my property.

Yours faithfully,

John Sutton