

Bob Donato

3<sup>rd</sup> 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,

**Re: Response to Discussion Paper DP71**

**“Review into Rentals for Waterfront Tenancies on Crown Land in  
NSW”**

This document is an attempt to address the issues raised that the above review is considering from the perspective of a landowner with a water only access (WOA) property.

### **1. Rentals**

I bring to your attention the use of your term “private recreational purposes” in your paper is not a relevant term for WOA occupants. WOA occupants use their wharfs, piers, jetties and pontoons as their only means to access their homes and not for recreational use.

I support a cost recovery system for administrative expenses of the relevant structures.

The issue of fair market rental is an anomaly as there is no market, the crown land in question associated with the structure and adjoining freehold property only has value to the occupant of that property. By definition the structure of a market requires more than one interested party.

In the consideration of alternative valuation methods of waterfront wetland, I ask for nothing more or less than equity with mainland property owners who access their freehold land and homes via crown land. My experience is that there is no valuation needed because mainland freehold landowners access crown land at no cost e.g. street car parking outside their homes. When the original Crown Land parcels were approved for subdivision by Councils unencumbered access to this land was implied within the subdivisions. Therefore the whole issue of valuations, rentals and annual reviews of the Crown Land used by WOA occupants of adjoining properties is iniquitous.

## **2. Equity**

The issue of exclusivity relating to waterfront structures is incorrect. Wharfs, piers, jetties and pontoons while constructed and maintained at the expense of the adjoining land owner is available and often used by service industry personnel such as Telecom, electricity supply representatives, Rural Fire Services, local council authorities, police, waterways authorities and members of the general public in need of immediate access or relief. It is obvious the adjoining property owner does not exclusively use these wharfs.

## **3. Administration**

In the interest of streamlining the administration of the waterfront structures at issue I suggest that the Waterways Authority and local councils and not the Department of Lands be the only authorities involved in this administration.

It is my understanding that the East Maitland and the Sydney Division of the Department of Lands employ varying policies in considering waterfront structure

developments. This obviously is inefficient, confusing and unjust for waterfront owners and needs to be addressed for an equitable and rational environment to grow.

In summary I make the following points: -

- WOA landowners demand nothing more than equity with all Australians in allowing free and unencumbered access to our homes.
- The issue of a wet berthing fee is akin to charging all car owners to park outside their homes, which is totally unacceptable. By example the opposite applies councils exempting property owners from any parking restriction in a restricted parking residential area.
- The present licensing system and Permissive Occupancy (PO) system should be replaced with a permanent easement attached to the title and which will automatically transfer with the passing of the property.

I look forward to your consideration of the above point in your deliberation of this issue.

Yours faithfully

Bob Donato