

Paolo Totaro AM

Mr Tom Parry
Chairman
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Dear Chairman

Review of Rentals for Domestic Waterfront Tenancies in NSW

I am pleased to submit the following to the Review.

To access my property I must have a jetty and pontoon to which a boat can safely be attached.

For this, I pay the Department of Lands an annual sum (2003) of \$890 for permissive occupancy. Consideration is included for a small portion of land above , on which my house was partially built, in the nineteenth century.

I bought my house in 1979. It is a fairly primitive, if charming, and a much loved place of residence where children, grandchildren and friends feel safe.

The Department of Lands and the Waterways Authority now wish to utilise a new formula for rental returns to reflect market value of the land. This may prove disastrous to many owners in my same situation and may force them to sell their properties to richer people, skewering even more the ownership of water frontages, in areas which have traditionally been working class, such as much of water-access-only Broken Bay. The ongoing gentrification of Broken Bay has done nothing to preserve environmental gems of Australian character and has pushed away pensioners and young families who could nowhere else afford dignified housing.

It is appreciated, in this regard, that the Review will take into account the following two equity considerations:

- 1) Owner's ability to pay including the situation of pensioners.
- 2) Special circumstances (such as, where owners only have water-based access to their properties).

I am nearly 71, of independent means. The first consideration, right now, does not therefore apply.

I would find instead the second consideration fully applying to my case. A fee on my jetty, an essential way of access to my house, is analogous to a toll placed on that section of public pavement leading to a front door. Taxes on income, or even on wealth and consumption, should lead to more equitable distribution of resources. This is not what a tax on essential jetties would do.

I understand that others in Broken Bay have made submissions to the Review, arguing exhaustively the case for no fee when the basic question of access to one's property comes into play.

Indeed, had this Review not come into being,, a number of water-access-only residents who were preparing submissions for Minister Kelly, would have asked to have permissive occupancy fees abolished.

To my mind, once the freedom of access to one's land is accepted as an essential part of the enjoyments of private property, then the question of a fee to be paid to the state for such an access, is to be seen under a different light from the rest of the matters under review, and set aside.

I therefore submit that my permissive occupancy fee should not be increased, and – indeed- should be abolished for the jetty and pontoon, with a portion still allowed for that part of the house which is itself on Crown Land.

The Review is also to studythe most appropriate basis of tenure and conditions on instruments of waterfront tenancies in NSW, such as permissive occupancy leases.

In my case, such a lease is a prerequisite for the very existence of my house. My house contains the most precious things I have: letters, photographs, family memories. The house's existence has been left to the Crown's pleasure now for about 150 years.

I have no reason not to trust the Crown's fairness. However, it is time to remove that obsolete element of uncertainty - the sovereign's pleasure. I would therefore request that the lease is granted in perpetuity, or until the owner -with the appropriate public authority's consent- decides to demolish the building.

I am sure that, as in other Reviews, such as the excellent Review of NSW Health, "Focusing on Patient Care", IPART will find ways to increase the overall fairness of public administration.

Your sincerely

Paolo Totaro AM

A handwritten signature in black ink, appearing to read 'Paolo Totaro', written over a light blue horizontal line.