



Dominic Perrottet MP

Premier of New South Wales

Our ref: A5464591

Ms Liz Livingstone
Chief Executive Officer
Independent Pricing and Regulatory Tribunal
Level 15
2-24 Rawson Place
SYDNEY NSW 2000

Dear Ms Livingstone

I write with regard to the 2011 review for determining rents for Domestic Waterfront tenancies in Sydney Harbour.

For the purposes of section 9(2) of the *Independent Pricing and Regulatory Tribunal Act 1992*, I approve the Independent Pricing and Regulatory Tribunal (IPART) entering into an arrangement with Transport for NSW for IPART to provide assistance in the form of the services set out in the Terms of Reference dated 24 July 2012 (enclosed) subject to the following revision:

Transport for NSW will reduce the number of precincts for the purpose of determining Domestic Waterfront tenancy rents on Sydney Harbour from six to five by merging Maritime Precinct 2 (Sydney Harbour Inner West area) and Maritime Precinct 4 (Sydney Harbour North West area).

The merge of precincts is designed to mitigate the emerging issue of domestic waterfront rent inequality applicable to Precinct 2, specifically when benchmarked with other precinct rent movement. In addition, the merger seeks to allow greater comparability of properties in similar geographical locations by averaging the median precinct Statutory Land Value over a larger area.

Future net rates of return calculations will need to reflect these changes.

Mr Joseph Pascuzzo, Senior Portfolio Property Leasing Manager, is the Transport for NSW lead on this work and can be contacted on [REDACTED].

Yours sincerely,

The Hon. Dominic Perrottet MP
NSW Premier



Premier of New South Wales

24 JUL 2012

Dr Peter Boxall
Chair
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

Dear Dr Boxall *Peter*,

I am writing with regard to the Independent Pricing and Regulatory Tribunal calculating the annual update to the net rates of return to be incorporated into the formula for determining the rental charge for domestic waterfront occupancies.

Please find enclosed Terms of Reference under section 9 of the *Independent Pricing and Regulatory Tribunal Act 1992* for the Tribunal to perform this service.

If your officers wish to discuss this matter, they should contact Mr Tim Hurst, Executive Director, Economic Development and Transport Policy, Department of Premier and Cabinet on (02) 9228 5493.

Yours sincerely

Barry O'Farrell MP
Premier

TERMS OF REFERENCE

ANNUAL NET RATES OF RETURN UPDATE

I, Barry O'Farrell, Premier, approve the provision of services by the Independent Pricing and Regulatory Tribunal under section 9 of the *Independent Pricing and Regulatory Tribunal Act 1992* to the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) and Roads and Maritime Services (RMS) in accordance with this 'terms of reference'.

The services to be provided by the Tribunal are the calculation of the annual update to the rental rate of return less outgoings for each precinct, to be incorporated by DTIRIS and RMS into the formula for determining the rental charge for domestic waterfront occupancies. This involves estimating the precinct specific gross rental rates of return and the precinct specific outgoings.


These net rates of return are the financial rates of return on submerged or reclaimed public land, leased or licenced to owners of domestic waterfront properties, to be received by the Government after recovering its efficient administration costs.

In providing these services, the Tribunal should follow the methodology proposed by the Tribunal in its final report *Review of method for determining rents for domestic waterfront tenancies in NSW* (December 2011).

The services are to be provided through the provision of an annual written notice to the DTIRIS and RMS by 15 April each year from 2013, advising them of the suggested rate of return to be applied to calculate rents for each precinct for the upcoming financial year.

The update for the 2012-13 financial year should be provided to DTIRIS and RMS as soon as possible.

This arrangement is to continue until the Tribunal is advised by the Premier in writing that the services are no longer required.


The Hon Barry O'Farrell MP
Premier

Dated at Sydney. 24.5.12 2012