

Professor T Parry  
Independent Pricing Regulation  
PO Box Q290  
QVB Post Office NSW 1230

Dear Sir

**RE: (address deleted)**

I am the holder of two Permissive Occupancies one being passive (210 sq metres) and one being active – 50% owned (20 sq metres). My current rental totals \$1,226.00 incl GST for both Permissive Occupancies.

I object to the proposed rental increases for domestic waterfront tenancies on the following grounds:

1. The formula to calculate the tenancy is flawed in that the SLV takes into account the existing Permissive Occupancies.
2. Crystal Bay is a bay which is subject to major public usage of the passive permissive occupancy. The public can use this permissive occupancy free and as such I as the adjacent property owner should enjoy the same free use
3. The rent is based on a residential premise whilst there are numerous and often burdensome non residential conditions placed on the licence such as
  - no right to fence
  - no right to construct structures on the passive permissive occupancy
  - the licence is solely at the discretion of the minister
  - all upkeep of the licenced area is at the responsibility of the licence holder while the public has total free of charge access to the passive licence
  - there is no vehicular access
  - the land is not zoned for residential use
4. I must pay for all the passive licence whereas the only part that I require is the part where my jetty adjoins the passive licence
5. The minister has a monopoly over the licenced area
6. Normal supply and demand considerations are not allowed to determine a fair market rental
7. The passive permissive occupancy was formed by reclamation which took away the properties actual waterfront status and this is considered to have disadvantaged the property owners. At the time of reclamation an agreement

was entered into by the residents of Crystal Bay for a fair and reasonable rental. This proposal is outside that agreement and as such may be subject to legal action.

8. The only market for the property is to the adjacent land owner.
9. There should be no GST applied to Residential Rents
10. My adjacent land is a battle axed block with a square meterage of 695.6sq metres whilst my permissive occupancy is 210 sq metres. As such the proposed formula unfairly disadvantages me
11. I have no rights or at the very least minimum rights over my passive permissive occupancy and as such each individual permissive occupancy must be assessed as to a fair and reasonable market rental ie. One formula doesn't suit all.
12. My active permissive occupancy is subject to boat berthing sizes and does not have access to any substantial deep water. Once again the active permissive occupancy should be individually assessed as I will be disadvantaged by a set formula.

I further object that I as an individual licensee was not personally informed of the review process and I would further suggest that if individuals were notified the number of objections would increase substantially.

If the rental review as proposed were passed the result to my rentals would be as follows:

$$\text{SLV} = \frac{\$969,000}{\text{Sqm}} \times 0.5 \times 6\% \times 230 \text{ sq m} = \$9,611.98$$

Since my total current rentals are \$1,226.00 this involves a 784% increase which I find both unfair and unreasonable. Could you please respond in writing to this objection.

Yours faithfully



John P Hindman