

Dear Mr Parry,

Although I am not currently a licensee of waterfront facilities, my use of the waterfront is affected by the legislation and I would like to make the following point in relation to the review:

I feel that a Private Occupancy (PO) licence has no intrinsic value in that the utility of facilities occupying the licence area is entirely dependent on access.

Access can be from the surrounding waterway available to all comers free of charge and therefore of no commercial value to the licensee and from the adjoining land which is the exclusive domain of the land owner. Should a land owner grant access to a PO facility through his or her property he or she would reasonably expect to demand payment for the right so granted. But that would be a payment for access to the PO licence area and not for the use of the PO facilities to which the licensee's only right is non-exclusive.

Since land access to the non-exclusive PO area is dependent on the land owner's permission it follows that the commercial value of the PO without such right of access is at the most nominal. In other words any financial consideration the land owner is able to extract in these circumstances attaches to the land adjoining the PO area and not to the PO licence itself.

Therefore any attempted justification for charging a "market rental" for a PO licence as though it were a marketable facility in its own right is based on an unsustainable premise.

Yours sincerely  
Anne Muller