

NSW DEPARTMENT OF INDUSTRY—LANDS & WATER

Guideline—Objection to market rent redetermination for Crown land tenures

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More information

NSW Department of Industry—Lands & Water

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Overview

Crown land lease, licence or permit holders generally have the right to object to a redetermination of rent.

To lodge an objection to a market rent redetermination under the *Crown Land Management Act 2016* (the CLM Act), please follow guidelines in this document.

The *Objection to market rent redetermination for Crown land tenures* policy (the policy) is relevant to objections conforming with Part 6, Division 6.3, Section 6.8 of the CLM Act, 'Objections to rent redeterminations'.

As the tenure holder, you may object to a redetermination of rent unless the:

- redetermination is done under the provisions of the holding rather than under Part 6, Division 6.3 of the CLM Act
- provisions of the holding preclude objections against re-determinations, or
- re-determination results from an approved recommendation of the Independent Pricing and Regulatory Tribunal, or
- redetermination results from an increase in the minimum annual rent for the holding.

This policy is not relevant to objections lodged prior to the commencement of the CLM Act. Those objections will be dealt with in the manner set out in the legislation under which the application was lodged, subject to any changes to that process made by the CLM Act.

Assistance

For assistance, please contact Crown Property Services—Objection Officer on 1300 886 235.

Procedure

This procedure is for lodging an objection to the market rent redetermination where a tenure holder has a right under the CLM Act. Refer to Annexures A for the relevant form.

Step 1—Prepare to lodge an objection

As the tenure holder, you can lodge an objection where you consider there is an error in the redetermination of the market rent such as the:

- assessment of market rent
- area, dimensions or description of the tenure.

Objections for any other reason will not be accepted.

Before lodging an objection, you should undertake these preparatory steps:

- a) review these guidelines and the relevant policies (see 'Related documents' below)
- b) review the form and supporting information requirements relevant to your objection (refer '**Annexure A**' below)
- c) discuss your case with the NSW Department of Industry (the department).

Note that you can lodge only one objection for each determination.

Step 2—Submit an objection

As the tenure holder, submit the *Market rent redetermination objection form* (the objection form) and appropriate supporting information to the department. The email and mailing addresses for lodgement are in the form (Annexure A).

Refer to '**Timelines**' below for important information about the deadline for submitting an objection.

Refer to '**Authority to lodge**' below for guidance as to who may submit the objection.

Supporting information

Before lodging an objection, you must provide appropriate evidence to support it.

If you consider that the features of the property or the conditions of the tenure have not been correctly represented or considered in the market redetermination, please include this in the objection form.

The strongest supporting evidence of the market rental value applicable to your tenure is to source information on recently negotiated rentals for other tenures with similar permitted uses to yours in the surrounding area. The following documentation will be accepted in support of an objection:

- market rental evidence for tenures with similar permitted uses in the surrounding area
- sales evidence of similar properties in the surrounding area.

Valuation advice

As the market rent redetermination is based on an assessment by a Certified Practising Valuer, it may be appropriate to engage a Certified Practising Valuer to present your case and act on your behalf.

Step 3—We review the objection

The department will review the objection as follows:

- a) We will consider objections in respect to the redetermined market rent or errors in property information (for example, area of the land).
- b) We will assess the objection form and supporting documentation.
- c) We will contact the tenure holder if we require additional information or clarification.
- d) We will contact the tenure holder to arrange a conference (if required) to discuss the objection and review the market evidence and consider any concerns raised.
- e) Where the department receives credible evidence that the rent redetermination does not reflect the market value, we will consider this to be grounds for a successful objection.

Step 4—We advise you of the final decision

The department will advise the tenure holder in writing of the final decision, including the reasons and the impact, if any, on the market rent redetermination.

As noted in the 'Timelines' below, we will normally send advice on the final decision within 60 days of the date of the letter acknowledging receipt of the initial objection. Delays may be incurred if the tenure holder fails to respond to requests for additional information or clarification in a timely manner (refer Step 3).

Step 5—We adjust and re-issue the Notice of Rent Redetermination

If the review (Step 3) supports an amendment to the market rent redetermination and/or associated property information, the department will provide the tenure holder with an amended Notice of Redetermination of Rent at the earliest possible opportunity (normally within the 60 day period noted at Step 4).

General guidance

Timelines

Submission of an objection

The last date that an objection may be received by the department is noted within the Notice of Redetermination of Rent (generally around 28 days).

The department may accept late objections if the tenure holder gives a valid reason and provides adequate supporting evidence. Valid reasons can include:

- when the letter with the Notice of Redetermination of Rent was issued:
 - the tenure holder was experiencing an extended illness, injury or health issue
 - there had been a death, a serious illness or injury in the family of the tenure holder
 - the tenure holder was away from home for an extended period, or
 - the tenure holder was not able to get their supporting information in time.
- the tenure holder's letter was not delivered, or was delivered late.

Advice of final decision

The department will normally advise the tenure holder of the outcome of the objection and the impact (if any) on the market rent redetermination within 60 days of the date of the letter acknowledging receipt of the objection. Delays may be incurred if the tenure holder fails to respond to requests for additional information or scheduling of a conference in a timely manner (refer Step 3).

Costs

While there are no departmental charges for lodging an objection, the tenure holder will be liable for any other costs they may incur in support of their objection, such as when obtaining an independent market valuation.

Authority to lodge an objection

The following persons only may lodge an objection:

- the tenure holder, or
- a representative of the tenure holder who has been authorised in writing to correspond with the department on their behalf. When the objection is lodged, the representative must provide the department with proof of authorisation to represent the tenant and in support of any prior engagement with the department on the matter.

Related documents

- *Crown Land Management Act 2016*
- *Crown Land Management Regulation 2018*
- *Policy—Objection to market rent redetermination for Crown land tenures.*

Annexure

Number	Title
A	Market rent redetermination objection form

Market rent redetermination objection form

Description of form

This form is used to lodge a formal objection to a market rental redetermination. This form should not be used to object to the removal of any rental rebate, waiver or concession.

Important information

This form must be received by the NSW Department of Industry—Lands & Water before the last date for lodgement of objection as noted on your Rental Redetermination Notice.

Contact us

NSW Department of Industry—Lands & Water
PO Box 2185
DANGAR NSW 2309

Telephone: 1300 886 235

Email: rent.redeterminations@crowmland.nsw.gov.au

Web: www.industry.nsw.gov.au/lands

Privacy statement

The personal information you provide on this form is subject to the *Privacy & Personal Information Protection Act 1989*. It is being collected by the NSW Department of Industry and will be used for purposes related to your objection application form. The Department of Industry will not disclose your personal information to anybody else unless authorised by law. The provision of this information is voluntary or required to be supplied. If you choose not to provide the requested information we may not be able to process your objection. You have the right to request access to, and correct details of, your personal information held by the department. Further information regarding privacy can be obtained from the Department of Industry website at www.industry.nsw.gov.au/legal/privacy

Tenure details

Tenure holder:		Account No.	
LGA:		Locality:	
Folio identifiers:			
Purpose of tenure:			

Tenant representative contact details

Salutation	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other:		
First name		Surname	
Postal address			
Email address			
Telephone		Mobile	

Rental redetermination details

Date of issue:	
Redetermination due date:	
Redetermined market rental:	
Effective date:	
Last date to object:	
Date of issue:	

Objection details

Objector's opinion of annual market rent:	Based on market evidence I believe the market rental in relation to the above mentioned tenure to be in the amount of \$ _____ per annum (+ GST if applicable).
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<p>Grounds for objection:</p>	<p><input type="checkbox"/> I have obtained a market rental valuation report from a Certified Practising Valuer which supports the above opinion of market rental which is lower than the redetermined market rental</p> <p><input type="checkbox"/> I have provided the attached market evidence and analysis to support the above opinion of market rental which is lower than the redetermined market rental</p> <p><input type="checkbox"/> Other:</p>
<p>Basis for objection:</p>	<p>Include information below describing the basis of your objection along with any evidence to support your opinion of market rental: (If more space is required please attach additional sheets)</p>

<p>Additional documentation supplied:</p>	<p>List any documents you are supplying in addition to this form to support your objection:</p>
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Declaration

I declare that I am authorised to act on behalf of the tenure holder in the lodgement of this objection to the redetermined rental.

Name			
Signature		Date	

Supporting documentation checklist

Please provide any documentation to support your objection

Lodgement

Mail to Department of Industry—Lands & Water, PO Box 2185 DANGAR NSW 2309
 Email to rent.redeterminations@crowmland.nsw.gov.au

Office use only – Refer to the Receiving and Referrals Codes Document					
<input type="checkbox"/> BCD <input type="checkbox"/> BCN <input type="checkbox"/> DO		Code		Account Number	
CM9		Date		Checked by	