

Objections to Market Rental Redeterminations Frequently Asked Questions

Objections

Crown Land tenure holders have the right to object to a redetermination of rent under Section 142 of the *Crown Lands Act 1989*.

How do I lodge an objection?

If you believe you have sufficient grounds to lodge an objection, you must contact us to obtain an official objection form. You will be required to provide supporting evidence clearly demonstrating your grounds for objection. Contact us on 1300 886 235 or via email rent.redeterminations@crowland.nsw.gov.au to obtain a form.

Who can lodge an objection?

The tenure holder named in the lease, licence or permit or an authorised representative can lodge an objection to a redetermination of rent. Written authorisation will be required if a third party is lodging an application on your behalf.

How long do I have to lodge an objection?

You have 28 days from the date the Rental Redetermination Notice is issued.

The last date to object is printed on the Rental Redetermination Notice. The completed objection form must be received by us by no later than this date.

If I am lodging an objection will I still have to pay the redetermined rental?

Yes, even if you are lodging an objection, you will still be required to pay the redetermined rental amount when you receive your account. If you are experiencing genuine hardship and difficulty paying the redetermined rental, you should contact us to discuss hardship relief options.

On what grounds can I lodge an objection?

The only valid basis for an objection to a market rental redetermination is that, based on specific market evidence, you believe the redetermined rent is in excess of the market rental value of the Crown owned property.

To support your objection, you may include supporting documentation and evidence relating to any feature of the property or tenure agreement that you believe has been overlooked in the market rental redetermination assessment.

What supporting documentation or evidence do I need to include with my objection?

You should provide specific details of recent rentals negotiated in relation to leases or licences for a similar permitted use. You should also explain how and why these transactions indicate a lower market rental than has been redetermined.

Care should be taken to ensure that any market information provided is true and correct.

You should also include any other specific matters you believe affect the rental value of the property that has been overlooked in the original rental redetermination assessment.

If you are unable to collect this information you could engage the services of a Qualified Registered Valuer. Please refer to the next question for details.

Should I obtain a formal valuation report to support my objection?

You may wish to obtain a formal valuation report from a suitably qualified Valuer to support your objection however it is not a mandatory requirement of objecting to a rental redetermination.

The costs of obtaining a valuation can vary depending on the location and permitted use of your lease or licence. The Australia Property Institute (API) can assist in locating a Valuer. The NSW Division of the API can be contacted on (02) 9299 1811.

A Valuer may also be retained to act on your behalf in the objection process including in any discussions with the Departments representative appointed Valuer. It should be noted however that supplying a formal valuation report does not guarantee a reduction in rental.

For more specialised valuations such as caravan parks, marinas, quarries and golf courses it is strongly recommended that a valuation is obtained from an expert Valuer with an appropriate level of skill and experience in undertaking valuations of that type of property.

Are there any fees payable for lodging an objection?

No application or processing fees apply to an objection to the redetermined rent.

Will I be reimbursed for any costs I incur in lodging my objection?

No. Any costs you incur in preparing and lodging an objection, such as engaging a formal valuation report or valuation fees will not be reimbursed.

How will my objection be assessed?

Objections to rental redeterminations are assessed and determined by a Senior DPI Lands Valuer who was not involved in the original redetermination of rent. The Valuer may contact you or your nominated representative to discuss any matters raised within your objection.

The Valuer will consider all available market evidence and any matters raised in your objection or in conversation with yourself or your representative. A decision will then be reached on whether the original rental redetermination stands or if this should be varied.

How will I be notified of the outcome of my objection?

You will be notified in writing of the outcome of your objection within 60 days of acceptance of your objection lodgement. The notification will address any matters you have raised and explain the reasons for the objection outcome decision.

Can I appeal the decision regarding my objection?

If you are not satisfied with the outcome of your objection you may lodge an appeal in the Land & Environment Court (if the redetermined rent is more than \$10,000 per annum) or with the NSW Civil and Administrative Tribunal (if the redetermined rent is less than \$10,000 per annum).

There are time restrictions on lodging appeals and failure to lodge an appeal within the designated timeframe could result in your appeal not being accepted. Please contact either the NSW Land and Environment Court or the NSW Civil and Administrative Tribunal to confirm these requirements.

More information

Further general information on Crown land can be found at www.crownland.nsw.gov.au or contact the Department on 1300 886 235 or email us at rent.redeterminations@crownland.nsw.gov.au