

Objection to market rent redetermination for Crown land tenures

POLICY NUMBER: IND-O-247	VERSION: 3.0
AUTHORISED BY: Executive Director Crown Lands	AUTHORISED DATE: 20/09/2018
ISSUED BY: NSW Department of Planning, Industry and Environment – Crown Lands	EFFECTIVE DATE: 20/09/2018
CATEGORY: Operations & Industry	REVIEW DATE 20/09/2021

Policy Statement

This policy provides for how the NSW Department of Planning, Industry and Environment–Crown Lands (the department) will review objections to market rent redeterminations in accordance with the *Crown Land Management Act 2016* (the Act) to ensure the economic value of Crown land is realised in an appropriate manner on behalf of the community.

This policy provides clarity and confidence to stakeholders that the lodgement and determination of objections to market rent redeterminations will be assessed in a consistent manner which affords procedural fairness and minimises unnecessary disputes.

Scope

This policy applies to the department and is relevant to objections made under Division 6.3 of the Act.

This policy is not relevant to objections lodged prior to the commencement of the Act. Objections lodged prior to the commencement of the Act will be dealt with in the manner set out in the legislation under which the application was lodged.

Requirements

1. Redetermination of market rent

Rental redeterminations will be undertaken by the department in accordance with the principles set out in Section 6.5 of the Act.

2. Conditions and reasons for an objection

The tenure holder may lodge an objection to a redetermination of rent unless any of the following are applicable:

- redetermination is done under the provisions of the holding rather than under Part 6, of the Act
- provisions of the holding preclude objections against redeterminations
- the redetermination results from an approved recommendation of the Independent Pricing and Regulatory Tribunal (IPART)
- the redetermination results from an increase in the minimum annual rent for the holding

Where the tenure holder is able to lodge an objection, their objection may be in respect to the:

- assessment of market rent or other matters set out in section 6.5(2) of the Act
- area, dimensions or description of the tenure
- person named on the notice of rent redetermination i.e. they do not lease the land

Objections must be accompanied by supporting information establishing the basis for the objection.

3. Supporting information requirements

The following information is required in support of an objection (as relevant):

- a market valuation undertaken by a Certified Practising Valuer

- b. evidence of rents for similar properties (including the addresses of the properties)
- c. evidence that the area or description of the tenure is incorrect
- d. any other relevant information in support of an objection

4. 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:

- a. an independent market valuation
- b. evidence of rents for similar properties
- c. evidence that the area or the description of the tenure is incorrect

5. Process

One objection can be lodged for each redetermination and must be submitted by the date specified on the notice of redetermination issued by the department, being 28 days after the tenure holder is given written notice of the redetermination.

Late objections may be accepted where a valid reason and supporting information is provided.

6. Assessment & Determination

The objection will be assessed based on:

- a. the market evidence used to redetermine the rent;
- b. the market evidence provided in support of the objection;
- c. assessment of the evidence;

Where the department receives credible evidence in the supporting information provided by the tenure holder that the rent redetermination does not reflect the market value, this will be considered grounds for a successful objection.

The tenure holder will be advised of the outcome of the objection the reasons for the decision and any impact on the redetermined rent generally within 60 days of receipt of acknowledgement of the objection.

Roles and responsibilities

- *The department:* redetermines the market rent and considers related objections.
- *The tenure holder:* provides accurate and timely information to support their objection.

Delegations

This policy does not change, remove or add delegation for any officer. Staff must comply with all relevant delegations.

Legislation

- *Crown Land Management Act 2016*
- *Crown Land Management Regulation 2018*

Related policies

- Delegations of authority for Crown lands policy IND-O-179

Revision history

Version	Date issued	Notes	By
1.0	07/03/2018	New policy to support the <i>Crown Land Management Act 2016</i>	Valuation Services Manager, Department of Industry – Lands & Water

2.0	20/09/2018	Policy updated with minor amendments	Valuation Services Manager, Department of Industry – Lands & Water
3.0	22/02/2020	Policy updated to reflect machinery of government changes	Policy Team

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