

<b>Board Meeting:</b> November 2017	<b>Agenda Number:</b> 10 (ii)	<b>Record No:</b> ED17/6263
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# LORD HOWE ISLAND BOARD

## Business Paper

### OPEN SESSION

#### **ITEM**

Application to sublease Perpetual Lease 1978.10 – JA Riddle to AL Hickey

#### **RECOMMENDATION**

It is recommended that the Board seek the Minister's consent to the subleasing of Perpetual Lease 1978.10 from Judith Ann Riddle to Amy Louise Hickey for a period of three years to 31 December 2020.

#### **BACKGROUND**

All land on Lord Howe Island is Crown land and may only be dealt with in accordance with the provisions of the Act (section 18).

Pursuant to section 21 of the Act the Minister may grant perpetual leases for the purpose of residence. A condition of residency attaches to such leases that must be performed by the holder or sublessee of the lease residing on the property as their bona fide principal place of residence (section 21(7)).

Section 23 of the Act applies to transfers and subleases of Perpetual Lease. Application must be made to the Board for approval to sublease (23(1)(a)) and the consent of the Minister must also be obtained (section 23(2)). The Board has absolute discretion to recommend to the Minister, the granting or refusal of any application to sublease (section 23(4)).

#### **COMMENT**

Perpetual Lease 1978.10 is held by Mrs Riddle as sole tenant. Mrs Riddle resides on a separate lease held by her husband. Ms Hickey, Mrs Riddle's daughter, currently lives in the residence on the lease with her family and has done so for over 10 years. The lease has been subject of sub-lease to Ms Hickey consistently over this period however the most recent sub-lease expired in 2016.

Ms Hickey is an Islander under the Act, the consideration for the subletting of the lease is nil and there is otherwise no objection to approval of the application.

#### **RECOMMENDATION**

It is recommended that the Board seek the Minister's consent to the subleasing of Perpetual Lease 1978.10 from Judith Ann Riddle to Amy Louise Hickey for a period of three years to 31 December 2020.

**Prepared:** James Lonergan

Manager Environment & Community Services

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Chief Executive Officer