

Board Meeting: November 2017	Agenda Number: 10 (iii)	Record No: ED17/6264
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Application for Suspension of Residency Condition – J.A.Riddle

RECOMMENDATION

It is recommended that the Board seek the Minister's approval of the suspension of the residency condition of Perpetual Lease 1954.27 in respect of Judith Ann Riddle.

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 21 further provides that, if the leaseholder is prevented by sickness of himself or herself or family or other adverse circumstance from meeting the residency conditions of their Perpetual Lease, the Board may, on sufficient reason being shown, suspend the residency condition for any period and subject to such conditions as the Board may approve.

Section 21(A) of the Act provide that the Minister may, in special circumstances suspend the condition of residency on a lease held by an Islander who holds no more than one other lease, subject to any terms and conditions thought fit.

Perpetual lease 1954.27 ("Leanda Lei") was transferred to Mrs Riddle and Mr Wilson following the death of their father, the late Roy Wilson. At the time, Mrs Riddle already owned another lease and resided on that lease. Under the circumstances it was clearly not possible for Mrs Riddle to reside on the lease however, for reasons which are not clear, no action was taken at the time to formalise this arrangement.

A recent review of perpetual leases brought this anomaly to light and Mrs Riddle has submitted an application seeking to rectify this situation. A copy of this letter is attached at Tab A.

COMMENT

Mrs Riddle's circumstances could be considered special in so far as Mrs Riddle already holds no more than one other lease, Mrs Riddle currently resides with her husband in their matrimonial home which is on another Perpetual lease and, given that there is only one domestic residence on the Leanda Lei lease and that there is currently a freeze on new dwellings, it is unlikely that Mrs Riddle would be able to physically reside on the lease in the mid-long term.

RECOMMENDATION

It is recommended that the Board seek the Minister's approval of the suspension of the residency condition of Perpetual Lease 1954.27 in respect of Judith Ann Riddle.

Prepared: James Lonergan Manager Environment & Community Services

Endorsed: Penny Holloway Chief Executive Officer

Attachments:

Attachment A: Letter from Judy Riddle dated 13 October 2017

RECEIVED

13 OCT 2017

Lord Howe Island Board

Skyline Drive,
LORD HOWE ISLAND NSW 2898

13th October, 2017

Mrs Penny Holloway,
Chief Executive Officer,
Lord Howe Island Board,
LORD HOWE ISLAND NSW 2898

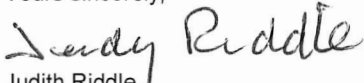
Dear Penny,

RE: Suspension of Residency

I hereby apply for Suspension of Residency from Perpetual Lease 1954/27 (known as Leanda Lei), held jointly with my brother Andrew Wilson.

I am unable to reside on this lease as I reside on Perpetual Lease 1954/21 with my husband, Peter Riddle, who is the holder of this lease.

Yours sincerely,


Judith Riddle