

Lord Howe Island Land Allocation Review

Terms of Reference

Background

All land on Lord Howe Island is owned by the Crown, with ownership and transfer of land controlled by the *Lord Howe Island Act 1953* (the Act). Perpetual leases are granted for residential purposes and special leases are granted for other purposes including agricultural production. To encourage a permanent residential community on the island, priority for leases is given to individuals with 'Islander' status. This status is defined as anyone who has resided continuously on the island for a period of 10 years.

Land is subject to strict controls and provisions under the Act and the Lord Howe Island Local Environmental Plan 2010 (LEP). Given the limited supply of residential land, the increasing population and increasing demand for land on the island, the Lord Howe Island (LHI) Board has adopted a policy to guide the allocation of the limited number of dwellings that are able to be approved (the Allocation and Granting of Dwelling Entitlements Policy).

The Gleeson review of Lord Howe Island Governance Arrangements (completed in June 2012) flagged land allocation and tenure as issues requiring further investigation. Consequently, the ballot process for the allocation of land has been put on hold and a comprehensive review of land allocation and tenure arrangements is now required.

The Review

The Hon. Ken Handley AO QC has been appointed by the NSW Government to undertake a comprehensive review of the current arrangements for land allocation and tenure on Lord Howe Island.

The objective of the review is to provide advice to the Minister for the Environment and Heritage on options for new land allocation and forms of tenure, including options for increasing supply of land and improving economic sustainability. In addition, the review will consider the intergenerational issues which arise from current restrictions on land access.

In particular the review will:

- Examine the current arrangements for land allocation and tenure on LHI. This includes existing policies and legislative frameworks.
- Identify future options for land allocation and tenure and assess the relative merits of the options.
- Make recommendations to the Government on the future options for land allocation and tenure.
- Provide advice to the Government on the legislative and/or regulatory impacts of future options.

In undertaking this Review, consultation will be undertaken with key stakeholders and Lord Howe Island residents in order to identify the risks and challenges with the current arrangements and to seek feedback on future options.

The review will not seek to open the definition of Islanders that is used for the purpose of identifying who should have access to land.

Project Governance

The review will be managed by the Department of Premier and Cabinet. A project reference group will be established to advise on matters related to the project and to ensure that the project is being undertaken according to plan.