

Office Use Only

Received via:

Initials & Date:

Complete this form if you want to transfer one or more current aquaculture leases to another party.

A transfer is not effective until it is assessed and approved by NSW Department of Primary Industries (NSW DPI).

To find out more, go to the transfer of oyster lease information kit

dpi.nsw.gov.au/fishing/aquaculture/forms/lease-based

Application requirements

This form consists of five parts.

- Part A – to be completed by the current leaseholder (transferor)
- Part B – to be completed by the current permitholder (before transfer)
- Part C – to be completed by the new leaseholder (transferee)
- Part D – to be completed by the new permitholder (after transfer)
- Part E – finalising your application

Part A – Current leaseholder (transferor)

1. Current leaseholder details (the party who is selling the leases)

Current leaseholder details	Give details in space provided
Name of current leaseholder (or company name if applicable)	
Mailing address of current leaseholder Note: for jointly held leases, this will be the contact address for all leaseholders	Address Suburb State Postcode
Physical address of current leaseholder (cannot be a PO Box)	Address Suburb State Postcode
Preferred contact details for current leaseholder Specify if mobile can be used for SMS alerts	Contact name Home/work/mobile number SMS alerts <input type="checkbox"/> Yes <input type="checkbox"/> No Email

2. Lease(s) to be transferred

One application form for multiple lease transfers will be accepted if all details required in the application form are the same for all leases (e.g., same leaseholders, same permitholders). If the details are not the same, please complete a separate application form for each lease.

Lease number	Lease number	Lease number	Lease number

If required, additional lease numbers can be provided on a separate page.

3. Structures on your lease(s)

a) Are there any structures on the lease(s) to be transferred?

- ☐ No – proceed to the leaseholder declaration (Q4).
- ☐ Yes - please indicate the type of structure present on each lease below.

Note: Structures do not include standard materials such as post and rail, stick, tray, rack and raft cultivation traditionally used to grow the oysters.

Details required	Structure 1	Structure 2	Structure 3	Structure 4
Lease number				
Type of structure				
Approx. size of structure				
Location within lease				
What is it used for?				
Is the structure approved? If YES, provide documentation	YES / NO	YES / NO	YES / NO	YES / NO

4. Current leaseholder declaration

All current leaseholders must sign the declaration.

If the leaseholder is a company, the declaration must be signed by two directors, or one director and a secretary. If the company is a sole director/secretary company, then the sole director must state next to their name that they are the “sole director and secretary”.

I/We, the undersigned:

- Authorise the transfer of the above listed aquaculture lease(s) to the party specified on this form.

- Understand that all annual lease fees on my aquaculture account for the current billing period remain my responsibility and cannot be transferred to the new leaseholder.
- Are authorised to make this application.
- Acknowledge that all the information provided in this application is true and correct.
- Understand that giving false or misleading information is a serious offence.

Name	Signature	Date

Part B – Current permit holder (before transfer)

5. Aquaculture permit/s that currently authorise the lease/s

Permit number	Permitholder name	Percent (%) authorised

6. Permit cancellation

Following the transfer of the above leases, does your aquaculture permit need to be cancelled?

All permitholders must sign the declaration if permit cancellation is required.

If the permitholder is a company, the declaration must be signed by two directors, or one director and a secretary. If the company is a sole director/secretary company, then the sole director must state next to their name that they are the “sole director and secretary”.

I/We, the undersigned authorise for NSW DPI to cancel my/our aquaculture permit following the transfer of all leases authorised by my/our permit.

Name	Signature	Date

Part C – New leaseholder (transferee)

7. New leaseholder details (the party who is buying the leases)

New leaseholder details	Give details in space provided
Name of new leaseholder (or company name if applicable)	
Mailing address of new leaseholder Note: for jointly held leases, this will be the contact address for all leaseholders	Address Suburb State Postcode
Physical address of new leaseholder (cannot be a PO Box)	Address Suburb State Postcode
Preferred contact details of new leaseholder Specify if mobile can be used for SMS alerts	Contact name Home/work/mobile number SMS alerts <input type="checkbox"/> Yes <input type="checkbox"/> No Email

8. Do you authorise NSW DPI - Aquaculture to correspond with you electronically?

Skip this section if:

- you have previously signed up to be an e-customer for NSW DPI, or
- you do not wish to be an e-customer.

☐ Yes, I would like to be an e-customer for NSW DPI - Aquaculture

By ticking this box, you authorise NSW DPI - Aquaculture to provide the following documentation that is associated with the above leaseholder electronically to all nominated email addresses:

- All formal and informal notices, authorities (e.g. aquaculture permits), correspondence and other instruments issued, as allowed for under the *Electronic Transmissions Act 1999* and *Fisheries Management Act 1994*.

Nominated email addresses for e-correspondence:

If there is an email address currently listed on NSW DPI's system that is not nominated below, this email address will be removed from the customer contact details.

Email contact	Give details in space provided
Primary contact	Email address: Contact person:
Additional contact	Email address: Contact person:

9. Lease tenancy for new leaseholder

If the new leaseholder is an individual or company, the tenancy arrangement will default to Common Tenancy. You do not need to complete this section.

If the leaseholder is a partnership, please tick your preferred option below.

☐ **Joint tenancy**

Under Joint Tenancy, upon the death of a leaseholder, the lease will be transferred to any surviving leaseholder(s).

☐ **Common tenancy**

Under Tenancy in Common, the proportion of the lease held by the deceased lessee is transferred according to their Last Will and Testament and/or at the direction of the Executor of the Estate.

10. New leaseholder declaration

All new leaseholders must sign the declaration.

If the leaseholder is a company, the declaration must be signed by two directors, or one director and a secretary. If the company is a sole director/secretary company, then the sole director must state next to their name that they are the "sole director and secretary".

I/We, the undersigned:

- Authorise the transfer of the above listed aquaculture lease(s) into my name(s).
- Understand that annual lease fees will be charged to my aquaculture account on 1 July of each year for these leases.
- Are authorised to make this application.
- Acknowledge that all the information provided in this application is true and correct.
- Understand that giving false or misleading information is a serious offence.

Name	Signature	Date

Part D – New permit holder (after transfer)

11. Aquaculture permit to authorise lease(s)

Aquaculture permit number(s) and percentage that will be authorising the lease(s) **after transfer**.

Note: If the name of the new permit holder is different to the name of the new leaseholder in part C, you may be required to submit an application to sublet the lease to the aquaculture permit.

Permit number	Permitholder name	Percent (%) to authorise

12. Species to be grown on the leases following transfer

Note: If your permit does not currently authorise the species that you select below, you may be required to apply to vary your aquaculture permit.

- ☐ Sydney Rock Oyster
- ☐ Pacific Oyster (diploid) – Port Stephens only
- ☐ Pacific Oyster (triploid)
- ☐ Native Oyster
- ☐ Other (please specify):

13. Compliance with OISAS best practice guidelines?

Do all the leases being transferred to your permit comply with OISAS best practice guidelines?

Refer to chapter 8 of OISAS -

www.dpi.nsw.gov.au/fishing/aquaculture/publications/oysters/industry-strategy.

- ☐ Yes
- ☐ No – please list which leases do not comply below:

Leases that do not comply: _____

Note: if any leases under your permit do not comply with OISAS best practice guidelines, you will be charged \$50 per hectare for lease security on 1 July 2024 (unless you have a refundable lease security arrangement).

14. New permitholder declaration

All new permitholders must sign this declaration.

If the permitholder is a company, the declaration must be signed by two directors, or one director and a secretary. If the company is a sole director/secretary company, then the sole director must state next to their name that they are the “sole director and secretary”.

I/We acknowledge that as the new permit holder(s) of the above listed aquaculture lease(s), I/we are responsible for:

- Any oyster infrastructure and cultivation that exists on this lease, regardless of when this infrastructure and/or cultivation was placed on this lease area.
- Ensuring that the lease is maintained in a tidy condition and marked in accordance with the standards described in Chapter 7 and 8 of the NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS). OISAS is available on the department website dpi.nsw.gov.au/fishing/aquaculture/publications/oysters/industry-strategy

I/We also acknowledge that:

- The leases will be regularly inspected by Fisheries Officers. If the lease areas are found to be non-compliant with OISAS at any such inspection, a Notice to Comply will be issued under section 162 of the *Fisheries Management Act 1994* and/or clause 55 of the *Fisheries Management (Aquaculture) Regulation 2017*.
- I/we will be responsible for ensuring the leases are brought back to a compliant state as per the time indicated in that Notice. If there is a current Notice to Comply on the leases, this Notice may be reissued under my/our name.
- Annual permit fees will be charged to our/my aquaculture account on 1 July of each year for these leases.

Name	Signature	Date

Part E – Finalising your application

15. Attachments

The following items must be attached to the application. If any items are not submitted, the application will be returned as incomplete.

- ☐ Original lease documents (or a Statutory Declaration if lease documents have been misplaced).
- ☐ A current ASIC extract if the new leaseholder is a company and a new entrant to the NSW aquaculture industry. For further information go to asic.gov.au or call 1300 300 630.

16. Payment of application fee

Payment must be received within 14 days of receipt of your application, regardless of which payment method you choose. If payment is not made within this time, your application will be returned to you.

Prescribed application fee schedule dpi.nsw.gov.au/fishing/aquaculture/schedule

Choose your payment method.

Payment method	What you need to do
<input type="checkbox"/> Credit card	Call the Aqua Admin team on 0407 693 244 or (02) 4916 3900 to provide your credit card details. Note that a surcharge applies: Visa & MasterCard 0.4%, American Express 1.4%.
<input type="checkbox"/> Cheque	Cheque payable to: Department of Regional NSW – Primary Industries Mail to: NSW Department of Primary Industries, Locked Bag 1, Nelson Bay NSW 2315
<input type="checkbox"/> Invoice	We will email you an invoice. Once you receive the invoice you can pay by EFT, BPAY or credit card.

Who is paying the prescribed application fee?

- ☐ Current leaseholder (seller).
- ☐ New leaseholder (buyer).

Note: if you are applying to transfer multiple leases and would like the reduced fee for multiple applications, only one invoice can be raised. If you need more than one invoice (i.e., the fee is being paid by multiple parties), then each invoice will include the initial application fee (\$882 in 2023-24, refer to the fee schedule for the current amount).

17. Submitting your application

- Mail: NSW Department of Primary Industries, Locked Bag 1, Nelson Bay NSW 2315
- Email: aquaculture.administration@dpi.nsw.gov.au
- Telephone enquiries: Aquaculture Administration 0407 693 244 or (02) 4916 3900

Privacy Collection Notice

Information collected on this application is subject to the *Privacy and Personal Information Protection Act 1998*. You must provide the information for NSW Department of Primary Industries – Fisheries to assess the application and to administer aquaculture leases and permits under the *Fisheries Management Act 1994*. Information collected will be stored securely within the FishOnline system and NSW DPI's records management system, to which only authorised personnel have access.

NSW DPI – Fisheries may use the information and disclose it to authorised agencies by way of a Memorandum of Understanding, for related administration, regulation, research, and statistical reporting purposes. For example, but not limited to, purposes such as biosecurity matters, licensing with other agencies, industry extension and grant applications. The information may be pooled in a manner not identifying individuals to form industry-based statistics. Information collected may be publicly available on the NSW register of aquaculture permits in accordance with section 154 of the *Fisheries Management Act 1994*. Information collected may also be subject to other lawful requests for information such as subpoenas or GIPA (Government Information Public Access) requests. Section 19(2)(h) of the *Privacy and Personal Information Protection Act 1998* allows the disclosure of information when permitted or required by an Act (including an Act of the Commonwealth) or any other law.

Any email addresses collected may be used to electronically serve instruments if the customer has agreed to receive documentation from NSW DPI electronically. Information collected will be destroyed when no longer required. You may access or correct your information by contacting NSW DPI, Aquaculture Administration, Locked Bag 1, Nelson Bay NSW 2315, or via email aquaculture.administration@dpi.nsw.gov.au. For more information, please refer to Regional NSW Privacy Statement at regional.nsw.gov.au/privacy and Regional NSW Privacy Management Plan at regional.nsw.gov.au/privacy/privacy-management-plan.