



Office use only

Received via: _____

Initials and date: _____

Complete this form if you want to apply to transfer one or more current leases to another party under section 55 of the Fisheries Management (Aquaculture) Regulation 2024. A transfer is not effective until it has been assessed and approved by the Department.

To find out more, go to the transfer of an aquaculture lease information kit
dpi.nsw.gov.au/fishing/aquaculture/forms/lease-based

Application form requirements

This form consists of five parts.

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

Part A – Current lessee (transferor)

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

Lessee details	Give details in space provided
Name of lessee (or company name if applicable)	
Mailing address of lessee	Address Suburb State Postcode
Physical address of lessee (cannot be a PO Box)	Address Suburb State Postcode

Lessee details	Give details in space provided
Preferred contact person	
Phone number for preferred contact	<input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Mobile Number: _____ If a mobile is provided, do you authorise for the mobile number to be used for SMS alerts? <input type="checkbox"/> Yes <input type="checkbox"/> No
Email address for preferred contact	

2. Do you want to sign up to be an e-customer?

Skip this question if you have already signed up.

If you sign up to being an e-customer, the Department will correspond with you via email.

- ☐ Yes – the Department will email you the relevant form to complete.
☐ No

3. Lease/s to be transferred

You may submit one application form for multiple leases if all details required in this application form are the same for all leases (for example, the same lessees and permit holders). If the details are not the same, you must complete a separate application form for each lease.

Lease number	Lease number	Lease number

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

4. Structures on your lease/s

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

- ☐ No – proceed to the lessee declaration (Q5).
- ☐ 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
Lease number		
Type of structure		
What is it used for?		
Is the structure approved? If YES, provide documentation	YES / NO	YES / NO

5. Current lessee declaration

All current lessees must sign the declaration.

If the lessee is a company, the declaration must be signed by two directors, or one director and a secretary. If the company is a sole director company, then the sole director must sign.

I/We, the undersigned:

1. Authorise the transfer of the above listed lease/s to the party specified on this form.
2. Are authorised to make this application.
3. Acknowledge that all the information provided in this application is true and correct.
4. Understand that giving false or misleading information is a serious offence.
5. Understand that all lease and permit fees on my aquaculture account for the current billing period remain my responsibility and cannot be transferred to the new lessee

Name	Signature	Date

Part B – Current permit holder (before transfer)

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

Permit number	Permit holder name	Percent (%) authorised

7. Permit cancellation

Following the transfer of the above leases, do you want to cancel your aquaculture permit?

- ☐ No – DO NOT complete this section. Continue to part C.
- ☐ Yes – please sign the declaration below authorising the Department to cancel your permit.

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

If the permit holder is a company, the declaration must be signed by two directors, or one director and a secretary. If the company is a sole director company, then the sole director must sign.

I/We authorise for my/our aquaculture permit to be cancelled following the transfer of all leases authorised by the permit.

Name	Signature	Date

Part C – New lessee (transferee)

8. New lessee details (party who is buying the leases)

Lessee details	Give details in space provided
Name of lessee (or company name if applicable)	
Mailing address of lessee	Address Suburb State Postcode
Physical address of lessee (cannot be a PO Box)	Address Suburb State Postcode
Preferred contact person	
Phone number for preferred contact	<input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Mobile Number: _____ If a mobile is provided, do you authorise for the mobile number to be used for SMS alerts? <input type="checkbox"/> Yes <input type="checkbox"/> No
Email address for preferred contact	

9. Do you want to sign up to be an e-customer?

Skip this question if you have already signed up.

If you sign up to being an e-customer, the Department will correspond with you via email.

- ☐ Yes – the Department will email you the relevant form to complete.
☐ No

10. Lease tenancy for new lessee

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

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

☐ **Joint tenancy**

Under joint tenancy, upon the death of a lessee, the lease will be transferred to any surviving lessees.

☐ **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, grant or probate, and/or letters of administration.

11. New lessee declaration

All new lessees must sign the declaration.

If the lessee is a company, the declaration must be signed by two directors, or one director and a secretary. If the company is a sole director company, then the sole director must sign.

I/We, the undersigned:

1. Authorise the transfer of the above listed aquaculture lease/s into my name/s.
2. Are authorised to make this application.
3. Acknowledge that all the information provided in this application is true and correct.
4. Understand that giving false or misleading information is a serious offence.
5. Understand that all lease fees will be charged to my aquaculture account on 1 July of each year for these leases.
6. Understand that all material and infrastructure on the leases is our responsibility following the transfer. If the lease/s expire or are otherwise terminated, we will need to remove all improvements (material, lease markings, structures) from the lease/s.

Name	Signature	Date

Part D – New permit holder (after transfer)

12. Aquaculture permit to authorise lease/s

Aquaculture permit number/s and percentage that will be authorising the leases/s **after transfer**.

Note: If the name of the new permit holder is different to the name of the new lessee, you may be required to submit a lease sublet application.

Permit number	Permit holder name	Percent (%) to authorise

13. 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 vary your aquaculture permit.

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

14. 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 any leases that do not comply:

Leases that do not comply: _____

For more information, go to www.dpi.nsw.gov.au/fishing/aquaculture/forms/lease-based/aquaculture-lease-security-arrangement-information-kit

15. New permit holder declaration

All new permit holders must sign this declaration.

If the permit holder is a company, the declaration must be signed by two directors, or one director and a secretary. If the company is a sole director company, then the sole director must sign.

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

1. Any oyster infrastructure and cultivation that exists on this lease, regardless of when this infrastructure and/or cultivation was placed on the lease.
2. 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:

3. 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 section 67 of the *Fisheries Management (Aquaculture) Regulation 2024*.
4. 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.
5. 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

16. 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 request to replace the lease documents if misplaced (fee applies).
- ☐ A current ASIC extract if the new lessee is a company and has not previously provided an ASIC extract to the Department. For more information go to asic.gov.au or call 1300 300 630.

17. Payment of application fee

When you submit your application, the department will email you an invoice for the application fee. Payment options will be provided on the invoice.

The invoice will be payable immediately. If payment is not made within a reasonable timeframe your application will be returned to you.

Aquaculture fee schedule dpi.nsw.gov.au/fishing/aquaculture/schedule

If you are applying to transfer multiple leases and the applications are lodged on the same day, you may be eligible for the reduced fee for additional applications. Only one invoice can be raised for one party to pay.

Who is paying the application fee?

☐ Current lessee (seller)

☐ New lessee (buyer)

18. Submitting your application

- Mail: DPIRD Aquaculture Administration, Locked Bag 1, Nelson Bay NSW 2315
- Email: aquaculture.administration@dpird.nsw.gov.au
- Phone: Aquaculture Administration on 1300 603 845

Privacy collection notice

Your information is being collected by the Fisheries division of NSW Department of Primary Industries and Regional Development (the Department), Taylors Beach Road, Taylors Beach NSW 2315 for the purpose of managing the NSW aquaculture industry in line with the *Fisheries Management Act 1994 (FM Act 1994)*. Information collected on this application form is subject to the *Privacy and Personal Information Protection Act 1998 (PPIP Act 1998)*. You must provide the information for the Department to assess the application and to administer aquaculture leases and permits under the *FM Act 1994*. Information collected will be stored within the FishOnline system, as well as finance and records management systems, to which only authorised personnel have access. The information will be destroyed when no longer required.

The Department may use the information and disclose it to other authorised government or private sector agencies for related administration, regulation, research, and statistical reporting purposes. This may include, but is not limited to, purposes related to biosecurity matters, licensing with other agencies, industry extension and grant applications. Information collected may be disclosed to the Department of Planning, Housing and Infrastructure, who provides the Department with a financial service, or to an external debt collection agency for debt collection purposes when an overdue debt is payable under the *FM Act 1994* or the *Fisheries Management (Aquaculture) Regulation 2024*. Information collected may also be subject to other lawful requests for information such as applications under the *Government Information (Public Access) Act 2009* or subpoenas. The information may be pooled in a manner not identifying stakeholders to form industry-based statistics. Information collected may be publicly available on the NSW register of aquaculture permits in line with section 154 of the *FM Act 1994*.

Any email addresses collected may be used to electronically serve instruments if the customer has agreed to receive documentation electronically. You may access or correct your information by contacting the Department via Aquaculture Administration, Locked Bag 1, Nelson Bay NSW 2315, or via email aquaculture.administration@dpird.nsw.gov.au. For more information, please refer to the Department's [Privacy Statement](#) and [Privacy Management Plan](#).