



TRANSFER AQUACULTURE LEASE APPLICATION

Office use only

Received via: _____

Initials and 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 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 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 (party who is selling the leases)

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

Leaseholder 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	Email: _____

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

Skip this question if you are not interested in being an e-customer or you have already signed up. If you sign up to being an e-customer, NSW DPI will correspond with you via email.

<input type="checkbox"/> Yes - NSW DPI will email you the relevant form to complete.
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3. 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.

4. Structures on your lease/s

<p>a) Are there any structures on the lease/s to be transferred?</p> <p><input type="checkbox"/> No - proceed to the leaseholder declaration (Q5).</p> <p><input type="checkbox"/> Yes - please indicate the type of structure present on each lease below.</p>

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		

Details required	Structure 1	Structure 2
Type of structure		
What is it used for?		
Is the structure approved? If YES, provide documentation	YES / NO	YES / NO

5. 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)

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

Permit number	Permitholder name	Percent (%) authorised

7. Permit cancellation

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

- No – DO NOT complete this section. Continue to Part C.
- Yes – please sign the declaration below authorising NSW DPI to cancel your permit.

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)

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

Leaseholder details	Give details in space provided
Name of leaseholder (or company name if applicable)	
Mailing address of leaseholder	Address Suburb State Postcode
Physical address of leaseholder (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	Email: _____

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

Skip this question if you are not interested in being an e-customer or you have already signed up.
If you sign up to being an e-customer, NSW DPI will correspond with you via email.

<input type="checkbox"/> Yes – NSW DPI will email you the relevant form to complete.
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10. 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.

11. 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.
- Understand that all material and infrastructure on the leases is my/our responsibility following the transfer. If the lease/s expire or are otherwise terminated, I/we will need to remove all improvements (material, lease markings, structures) from the lease/s.
- 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)

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 leaseholder in part C, you may be required to submit a lease sublet application.

Permit number	Permitholder 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 apply 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 which leases do not comply below:

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 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 the lease.
- 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

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 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.

17. Payment of application fee

When you submit your application, NSW DPI 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

To be eligible for the reduced fee for multiple transfer applications lodged on the same day, only one invoice can be raised for one party to pay.

Who is paying the application fee?

Current leaseholder (seller).

New leaseholder (buyer).

18. Submitting your application

- Mail: NSW Department of Primary Industries, Locked Bag 1, Nelson Bay NSW 2315
- Email: aquaculture.administration@dpi.nsw.gov.au
- Phone enquiries: Aquaculture Administration on 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) of 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.