



AQUACULTURE LEASE TRANSFER FORM

Fisheries Management Act 1994

INW ___ / ___

1. TRANSFEROR'S DETAILS (Application fee applies – see fee schedule)

FULL NAME(S) OF LESSEE(S)		
BUSINESS ADDRESS		
TOWN	STATE	POST CODE
TEL: HOME	TEL: WORK	MOBILE
()	()	
FAX	E-MAIL ADDRESS	
()		

2. LEASE DETAILS

Note: Transfer not effective until Minister gives consent

<input type="checkbox"/> <input type="checkbox"/>	Number	<input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Expires	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
(OL or AL)		(Enter 5 digit number)		(Enter expiry date)
PURCHASE PRICE OF LEASE (Not including stock, plant or equipment)				
\$	<input type="text"/>	Note: Encumbered leases - we require a notice of consent of discharge before transfer can proceed.		

3. TRANSFEREE'S DETAILS

FULL NAME(S) OF TRANSFEREE(S)		
BUSINESS ADDRESS		
TOWN	STATE	POST CODE
TEL: HOME	TEL: WORK	MOBILE
()	()	
FAX	E-MAIL ADDRESS	
()		

4. TRANSFEREE'S AQUACULTURE PERMIT DETAILS

Please provide the Aquaculture Permit(s) that will authorise the oyster lease once transferred.

AP at _____% AP at _____%

5. AQUACULTURE LEASE AREA CONDITION STATEMENT (ALAC)

The lease area must be in a satisfactory condition or a work plan agreed to prior to the submission of this application. The ALAC must be completed and signed by the current and prospective aquaculture lessee/s and the permit holder/s involved with the transfer of this lease.

LEASE NUMBER AL or OL <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/>	ESTUARY <input style="width: 100%;" type="text"/>
CURRENT AQUACULTURE PERMIT/S AUTHORISING LEASE AP <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> AP <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> AP <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	

The NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS) defines lease marking standards and neat and tidy standards. OISAS is available from www.dpi.nsw.gov.au/fisheries/aquaculture or from your local Fisheries Office.

ARE THESE LEASE CONDITION STATEMENTS TRUE	(Tick One)	YES	NO
1. I am aware of the required lease marking standards as detailed in OISAS and the lease complies with those standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. All required marker posts are white above the high water mark, are square to the water surface, are the same height and have between 1.25 metres and 1.5 metres showing above the high water mark.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. All required corner marker posts have a minimum diameter or diagonal width of 90 mm for reinforced plastic or 150 mm for timber OR approved special marker.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. All required intermediate marker posts have a minimum diameter or diagonal width of 75 mm for reinforced plastic or 100 mm for timber OR approved special marker.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. All required lease signs are in place at least 1 metre above the high-water mark and they are legible.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. I am aware of the required neat and tidy standards detailed in OISAS and the lease complies with those standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. All of the lease area is clear of derelict or broken cultivation materials including posts, rail, sticks, baskets, trays, shade cloth, rope and any other culture materials.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. The lease has no glass, steel posts, corrugated iron, steel wire in lengths exceeding 1 metre or continuous lengths of conveyor belting exceeding 10 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. All cultivation is contained wholly within the lease area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. The lease complies with the Pacific oyster control inspection criteria.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. The lease is clear of stored cultivation materials or equipment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: If you have answered NO to any of the lease condition statements 1 – 11 an approved work plan must be submitted with the transfer application form.

IMPORTANT ATTACH PHOTOS	(Tick One)	YES	NO
1. Have you attached clear good quality colour photographs of the lease area? Photos must be taken at low tide.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Do the photos include 2 lease corner posts clearly showing the lease number and the lease area behind the post and all sides of every platform, shed, work structure, fence and any reclaimed land on the lease?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Please record the date and time that the photos were taken.			
DATE __ / __ / ____	TIME __ : __ am / pm		

Note: If you have answered NO to the photo questions 1 – 2 or fail to record the date and time the photos were taken your application will be rejected and returned as incomplete.

ALAC DECLARATION (All parties to the transfer must sign this declaration)

I/We, the undersigned declare that the information contained in this ALAC statement is true and if I am a current aquaculture permit holder I make this declaration in accordance with section 153 of the *Fisheries Management Act 1994 - Holder of permit to provide information to the Minister*.

Name (print)	Signature	Interest (tick 1 or more)	Date
1. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____
2. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____
3. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____
4. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____
5. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____
6. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____
7. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____
8. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____
9. _____	_____	<input type="checkbox"/> Lessee <input type="checkbox"/> Applicant <input type="checkbox"/> Permit holder	_____

If insufficient room is available for all signatures please attach a separate schedule (copy of declaration) showing details and signatures.

Company:

If a company is party to the ALAC the signature of two directors, or one director and a secretary is required. If the company is a sole director company, where the sole director is also the sole secretary, the sole director must state next to his/her signature that he/she is the "sole director and sole company secretary".

6. STRUCTURES ON AN OYSTER LEASE

Under the provisions of relevant Fisheries legislation, structures may include the following: bathing enclosure, fence, boat shed, slip, jetty, wharf, staging, shed, platform, pontoon, work platform, reclamation. For the purposes of this application, structures do not include standard materials such as post and rail, stick, tray, rack and raft cultivation traditionally used to grow the oysters and which are permissible under the relevant Fisheries legislation.

Under the *Fisheries Management Act 1994* and the previous *Fisheries and Oyster Farms Act 1935*, the construction of structures on oyster leases was not permitted without consent from the Minister, and often, required approval under other planning and building laws.

Historically, many structures have been erected on oyster leases throughout NSW without proper approval. Investigations will be undertaken to determine whether structures have been approved under a relevant planning instrument. If an existing structure is found to be illegal, appropriate action may be taken to address the issue, which may include removal of the illegal structure.

As part of this process, the applicant is required to complete the section below to indicate whether a structure is present on the lease. A Fisheries Officer may undertake a lease inspection to verify the details provided in this form. Please complete the following questions (a) to (e) to the best of your ability.

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

Yes

No

b) If you answered "Yes" to question (a), please indicate with a tick (✓) which type of structure(s) are present. If you answered "No", there is no need for you to answer questions (b) to (e).

reclamation

jetty or wharf

fence

staging, platform, or pontoon

boat shed

shed

slip

bathing enclosure

other Please specify _____

c) Please give a brief description of the structure(s), including approximate size/dimensions and location of the structure within the lease (2 photographs of each structure are to be included with the application, with the lease number and date written on the back of the photograph).

d) What is the structure currently used for?

e) Do you have any additional information, which NSW DPI may be interested to know, regarding the structure(s) on the oyster lease? (i.e. a copy of the relevant approvals)

7. DECLARATION

We, the undersigned, lodge here with a lease transfer application and prescribed fee.

We, the undersigned, understand that all annual lease fees (i.e. lease rent, research fees, lease security) remain the responsibility of the transferor up to the end of the current financial period (30 June).

Dated this _____ day of _____ in the year _____.

Transferor's signature(s)

Transferee's signature(s)

Witness name: _____ **Witness signature:** _____
(If insufficient room is available for all signatures please attach a separate schedule showing signatures)

Company:

If a company is party to the application the signature of two directors, or one director and a secretary is required. If the company is a sole director company, where the sole director is also the sole secretary, the sole director must state next to his/her signature that he/she is the "sole director and sole company secretary".

8. TENANCY OF LEASE

If the lease is held by two or more persons/corporations, please elect your tenancy arrangement for this lease by placing ✓ in the appropriate box.

JOINT Under joint tenancy, upon the death of a lessee, the lease is automatically transferred to any surviving lessee(s).

OR

COMMON Under tenancy in common the proportion of the lease held by the deceased lessee is transferred according to the deceased's will and/or at the direction of the executor of the deceased's estate.

(If selecting tenancy in common, please complete the following allocation table).

Lessee's Name	Share of Lease (%)

When a lease is held solely by an individual or corporation, the tenancy of the lease will be deemed "Common".

9. SUBMITTING YOUR APPLICATION

Please submit your application to: NSW Department of Primary Industries, Aquaculture Administration, Locked Bag 1, Nelson Bay, NSW, 2315.

10. APPLYING FOR REPLACEMENT DEEDS

If lease deeds have been lost/destroyed, please contact Aquaculture Administration on (02) 4982 1232 or access NSW DPI website to download a Statutory Declaration form.

PRIVACY INFORMATION

Personal information collected by way of this Application is subject to the *Privacy and Personal Information Act 1998*. You must provide the information in order for NSW DPI to assess this Application. NSW DPI may use the information, and disclose it to authorised agencies, for related administration or research purposes. The information may be pooled in a manner not identifying individuals to form industry-based statistics. You may access or correct your information by contacting NSW DPI, Aquaculture Administration Section, Locked Bag 1, NELSON BAY NSW 2315, or Telephone 02 4982 1232.

CREDIT CARD PAYMENT

To pay the application fee by credit card simply fill out the credit card authority below.

Card type	<input type="checkbox"/> MasterCard <input type="checkbox"/> Amex <input type="checkbox"/> Diners Club <input type="checkbox"/> Visa
Card number	_____
Card expiry date	__ __ / __ __
Amount to be debited	\$ _____
Name of cardholder	_____
Signature of cardholder	_____

**Please note that a surcharge applies to the following card(s):

Visa	0.4%
Mastercard	0.4%
American Express	1.50%
Diners Club	2.40%

(Surcharge calculated at time of processing.)