

Information Bulletin No 27

February 1991

Conversion of Oyster Leases to Torrens Title

The Real Property (Oyster Leases) Amendment Act 1990 and the Fisheries and Oyster Farms (Oyster Leases) Amendment Act 1990 commenced on 1 February 1991.

The Real Property (Oyster Leases) Amendment Act 1990 amends the Real Property Act 1990 so as to provide for the registration of oyster leases under the provisions of that Act.

The Fisheries and Oyster Farms (Oyster Leases) Amendment Act 1990 is cognate with the Real Property (Oyster Leases) Amendment Act 1990.

The objects of this Act are:

- a) to regulate the creation of mortgages and charges over oyster leases; and
- b) to require dealings relating to land comprised in oyster leases that have been brought under the provisions of the Real Property Act 1900 to be effected in accordance with that Act.

The legislation will confer upon the registered proprietors of oyster leases that have been brought under the provisions of the Real Property Act 1900 the benefits of the Torrens title system of land registration. Oyster farms will be more acceptable as collateral security and so increase investment finance for the oyster industry.

Conversion of approximately 4000 existing leases directly to the Automated Land Titles System (ALTS) and the registration of new leases under the Real Property Act 1900 will first require the registration of plans illustrating the estuaries in which the leases are situated.

On registration of these plans, freehold folios of the Register will be created in the name of the State of New South Wales for each estuary e.g. DP 722386 for the Sandon River estuary and Register Folio 1/722386. It is intended that these plans will be lodged progressively by NSW Agriculture and Fisheries.

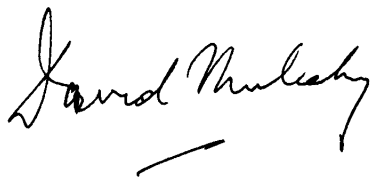
Following creation of a folio of the Register for an estuary, plans of existing oyster farms as well as plans of new farms situated within the estuary will be lodged and numbered in a unique plan series (DP 422001 to DP 430000). Folios of the Register for the leasehold interests in the oyster farms will be created in the name of the persons entitled to be registered proprietor of existing leases.

NSW Agriculture and Fisheries will continue to process new leases until such time as a plan of the estuary in which a lease is situated is lodged and registered with Land and Property Information New South Wales (LPINSW). Thereafter, any new lease should be prepared using a Real Property Act form and refer to the deposited plan which illustrates the lot to be leased.

Any future dealings relating to the transfer, mortgage or surrender of a converted oyster lease must be accompanied by the consent of the Minister for Agriculture and Rural Affairs.

A Qualified/Limited certificate of title will issue in respect of existing leases. Certificates of title issuing for new leases will be Limited but not Qualified.

Inquiries relating to dealings may be made in person at the Client Service Counter, ground floor, by telephone on 9228 6713 or fax 9223 9464. Inquiries relating to plans should be made at the Plan Support Counter, level 2, North wing, Land and Property Information, 1 Prince Albert Road, Queens Square, Sydney by telephone on 9228 6798 or by fax on 9221 4405.

A handwritten signature in black ink, appearing to read 'David Mulcahy', with a horizontal line underneath the name.

David Mulcahy
Registrar General

Legal Division

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