

Exit from a co-held water access licence

This is the **application form** to exit from a co-held water access licence under section 74 of the Water Management Act 2000.

Who can apply?

Any person who is a **co-holder** of a water access licence can apply to exit from the licence. More than one co-holder can apply to exit from the same licence using the same application form.

What you'll need

- *Guide to the application form to exit from a co-held water access licence* for instructions on how to apply using this application form, which is available at: www.waternsw.com.au.
- details of the co-held water access licence to be exited
- details of your holding in the licence
- consent from other co-holders of the licence to make this application, or an order of the Supreme Court that the consent of other co-holders is not required

How to apply

Information about how to apply using this application form is provided in the *Guide*.

More information

Phone: 1300 662 077

Email: Customer.Helpdesk@waternsw.com.au or go to www.waternsw.com.au find out more about water management in NSW.

If an application has been accepted by WaterNSW, payment has been processed and a receipt has been issued, application fees will not be refunded.

OFFICE USE ONLY	Fee paid: \$	Customer receipt number:	Office Stamp
	Officer signature:	Date:	
	Application number:	Acceptance date:	

SECTION A: Pre-application discussion

It is recommended that you discuss your application with us before submitting it.

Have you had a pre-application discussion with WaterNSW? <i>(tick the appropriate box)</i>	
A1	<input type="checkbox"/> No – Go to Section B
A2	<input type="checkbox"/> Yes - Answer A3 – A5
If Yes	A3 The discussion took place on (specify date):
	A4 with the assistance of (specify name):
	A5 from the WaterNSW office located at (specify office location):

SECTION B: Details of the original access licence

Provide details of the co-held water access licence to be exited (the *original access licence*).

B1	Water access licence number:
B2	Is there any money owed in relation to the original access licence, including water management charges or civil penalties? <input type="checkbox"/> No <input type="checkbox"/> Yes - specify: <i>Note: WaterNSW cannot accept this application if there is any money owing for the original access licence.</i>
B3	Do the co-holders hold the original access licence as joint tenants? <input type="checkbox"/> No <input type="checkbox"/> Yes <i>Note: WaterNSW cannot accept this application if the original access licence is held by the co-holders as joint tenants. This restriction does not apply to an individual holding which is held by more than one person as joint tenants.</i>

SECTION C: Details of the holding/s to exit from the original access licence

c1	Specify the number of holdings to exit from the original access licence: <i>(tick the appropriate box)</i>
	<input type="checkbox"/> One (1) holding – Go to Section D
	<input type="checkbox"/> More than one holding – specify number: - Go to C2

c2 If you want more than one holding to exit from the original access licence, then for the purpose of answering the questions in this application form you need to create a unique name to identify each holding (the *holding identifier*).

For example, 'John Smith's holding'; or 'Holding A, Holding B and Holding C'.

Specify a holding identifier for each holding to exit from the original access licence:

- 1.
- 2.
- 3.

Note: If you are applying for more than three holdings to exit from the original access licence, you can add more holding identifiers to this list.

c3 If you want more than one holding to exit from the original access licence, specify the number of new water access licences you would like granted to replace the exited holdings: (*tick the appropriate box*)

- One new water access licence to replace all exited holdings
- One new water access licence to replace each exited holding
- Other combination – provide details below using the holding identifiers created for each holding:

Note: One holding cannot be replaced by more than one new water access licence.

SECTION D: Applicants

Provide the name of each applicant in this section. The applicants are the co-holder/s of the holdings to exit from the original access licence which are listed in C2.

If you want more than two holdings to exit from the original access licence, attach extra copies of this page.

If there are more than two co-holders of a holding, attach extra copies of this page.

D1 Holding identifier: (<i>if applicable</i>)	
D2 Number of co-holders of this holding: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> Other (specify):	
Name of co-holder 1	D3 Title (Mr, Mrs, Ms) D4 Surname
	D5 Given name/s
	D6 Company/corporation name (<i>if applicable</i>)

Name of co-holder 2	D7 Title (Mr, Mrs, Ms)	D8 Surname
	D9 Given name/s	
	D10 Company/corporation name <i>(if applicable)</i>	

D11 Holding identifier: *(if applicable)*

D12 Number of co-holders of this holding: 1 2 Other (specify):

Name of co-holder 1	D13 Title (Mr, Mrs, Ms)	D14 Surname
	D15 Given name/s	
	D16 Company/corporation name <i>(if applicable)</i>	

Name of co-holder 2	D17 Title (Mr, Mrs, Ms)	D18 Surname
	D19 Given name/s	
	D20 Company/corporation name <i>(if applicable)</i>	

D21 Have extra copies of this page been attached? No Yes - specify number:

SECTION E: Consent provided for this application

What type of consent is provided for this application? *(tick the appropriate box)*

E1 All co-holders of the original access licence consent to this application – Go to Section F.

E2 Co-holders with a majority share of the holdings in the original access licence consent to this application – Go to Section G.

E3 This application is made in accordance with an order of the Supreme Court - Please **attach** a copy of order - Go to Section G.

Note: Each co-holder who consents to this application must sign Section H.

SECTION F: All co-holders consent – instructions for distribution of entitlements

Note. Complete this section if you selected E1. Do not complete this section if you selected E2 or E3.

If all of the co-holders of the original access licence consent to this application, you may request how the entitlements of the original access licence are to be distributed between the original access licence and the new water access licence/s which replace the exited holdings.

If you want more than two holdings to exit from the original access licence, attach extra copies of this page and use the holding identifiers created for each holding.

We apply to distribute the entitlements of the original access licence between the original access licence and the new water access licence/s: *(tick the appropriate box)*

F1 in the same proportions as the holding/s to exit bears to the original access licence – Go to Section G

F2 as specified in the table below – Answer F3 – F7

F3 Holding identifier: *(if applicable)*

	Entitlement to be distributed to original access licence	Entitlement to be distributed to new water access licence
F4 Share component (%/Units/ML)	%, units or ML:	%, units or ML:
F5 Extraction component – volume limit or restriction <i>(if applicable)</i>	%	%
F6 Water allocation account balance	%	%
F7 Carryover water allocation balance <i>(if applicable)</i>	%	%

Note: The sum of each type of entitlement of the original access licence and the new water access licence/s specified in the table must equal 100%.

F8 Have extra copies of this page been attached? No Yes - specify number:

SECTION G: Change water supply work nominated by new water access licence

Water allocations credited to the water allocation account of a water access licence can only be taken or extracted from a water source by a nominated water supply work listed on the licence.

If this application is granted, the new water access licence/s which replaces the exited holdings will nominate the same water supply work/s as the original access licence, unless you apply to change the work/s nominated by the new water access licence/s.

Complete this section if you want to apply to change the work/s nominated by the new water access licence/s.

If you want more than one holding to exit from the original access licence and you requested a new water access licence be granted to replace each of the exited holdings, attach extra copies of this page and use the holding identifiers created for each holding.

G1 Holding identifier: <i>(if applicable)</i>
G2 <input type="checkbox"/> I/We apply to REMOVE the following nominated water supply work/s from the new water access licence (specify NSW approval number or interstate licence number):
G3 <input type="checkbox"/> I/We apply to ADD the following nominated water supply work/s to the new water access licence (specify NSW approval number or interstate licence number):
G4 For any water supply works proposed to be added in G3, are the holders of the approval for the nominated works the same as the holders of the new water access licence? <input type="checkbox"/> Yes <input type="checkbox"/> No - you need to provide the written consent of the holders of the approval in Section K.
G5 Is any nominated work specified in G2 or G3 located in an interstate water tagging zone? <input type="checkbox"/> Yes – you need to attach a copy of the completed forms required by the interstate agency. <input type="checkbox"/> No
G6 Have extra copies of this page been attached? <input type="checkbox"/> No <input type="checkbox"/> Yes - specify number:

SECTION H: Declaration of applicant/s and consent of other co-holders

Declaration of applicants

Each applicant listed in Section D (“Applicants”) must:

- agree to the declaration below, and
- sign the application form.

If there are more applicants than spaces provided on the following pages, attach extra copies of page 6 (for individuals) or page 7 (for corporations) as required.

The first applicant listed in this section will be the application contact person. You can choose to nominate a different application contact person in Section J.

Declaration:

I/We, the undersigned applicants, acknowledge and agree:

- a) that I/We apply to exit from the co-held water access licence as described in this application;
- b) that this application will be determined in accordance with the *Water Management Act 2000* and any associated regulations or guidelines as in force from time to time, and that no right or entitlement shall arise pending determination of this application and that any such determination may be subject to conditions;
- c) that the authorised contact person (where applicable) is authorised to act for and on my behalf in relation to any aspect of this application unless otherwise notified by us, and that DPI Water will rely on information provided by the authorised contact person in its consideration of this application;
- d) that the Crown in right of the State of New South Wales, including WaterNSW and its officers, employees, agents and successors ('the State'), accepts no liability in relation to any action, proceeding, claim, demand, cost, loss, damage or expense (including reasonable legal costs or expenses) arising directly or indirectly as a result of or in connection with this application or any act or omission of the State in connection with this application and I/we hereby agree to release and indemnify the State from and against any such action, proceeding, claim, demand, cost, loss, damage or expense to the fullest extent permitted by law;
- e) that all information contained in this application is accurate, true and complete and that the Crown in right of the State of New South Wales, including WaterNSW and its officers, employees, agents and successors ('the State') will rely on such information;
- f) that the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently;
- g) that details about any approval arising out of this application will be recorded in the publicly available Register of Water Approvals pursuant to the *Water Management Act 2000*;
- h) that if this application is incomplete it may not be accepted; and
- i) that more information may be requested if it is considered that it would be relevant to the consideration of this application.

Consent of co-holders of the original access licence

Each co-holder of the original access licence who provides consent to the application must sign the application form.

If there are more consenting co-holders than spaces provided on the following pages, attach extra copies of page 6 (for individuals) or page 7 (for corporations) as required.

For applications made by individuals

H1 Title (Mr, Mrs, Ms)		H2 Surname	
H3 Given name/s			
H4 Address			
H5 Town		H6 State	H7 Postcode
			H8 Country
H9 Phone		H10 Mobile phone	
H11 Fax		H12 Email	
I am the holder of a holding in the original access licence and: <i>(tick the appropriate box)</i>			
H13 <input type="checkbox"/> I am an <u>applicant</u> (I want to exit my holding from the original access licence).			
H14 <input type="checkbox"/> I am <u>not</u> an applicant (I am providing consent to this application).			
Signature		Date	

H15 Title (Mr, Mrs, Ms)		H16 Surname	
H17 Given name/s			
H18 Address			
H19 Town		H20 State	H21 Postcode
			H22 Country
H23 Phone		H24 Mobile phone	
H25 Fax		H26 Email	
I am the holder of a holding in the original access licence and: <i>(tick the appropriate box)</i>			
H27 <input type="checkbox"/> I am an <u>applicant</u> (I want to exit my holding from the original access licence).			
H28 <input type="checkbox"/> I am <u>not</u> an applicant (I am providing consent to this application).			
Signature		Date	

If there are more than two individuals signing Section H, attach extra copies of this page.

H29 Have extra copies of this page been attached? <input type="checkbox"/> No <input type="checkbox"/> Yes - specify number:
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For applications made by a corporation

Executed for and on behalf of the applicant in accordance with section 127 of the Corporations Act 2001 Cth (if a company) or by its duly authorised officer (for other types of corporations).

H30 Company/corporation name			
H31 ACN or ABN			
H32 Address			
H33 Town	H34 State	H35 Postcode	H36 Country
H37 Phone		H38 Mobile phone	
H39 Fax		H40 Email	
This company/corporation is the holder of a holding in the original access licence and: <i>(tick the appropriate box)</i>			
H41 <input type="checkbox"/> is an <u>applicant</u> (the company/corporation's holding is to be exited from the original access licence).			
H42 <input type="checkbox"/> is <u>not</u> an applicant (the company/corporation provides consent to this application).			
H43 Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary <input type="checkbox"/> duly authorised officer			
H44 Name of signatory		Signature	Date
H45 Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary			
H46 Name of signatory		Signature	Date

H47 Company/corporation name			
H48 ACN or ABN			
H49 Address			
H50 Town	H51 State	H52 Postcode	H53 Country
H54 Phone		H55 Mobile phone	
H56 Fax		H57 Email	
This company/corporation is the holder of a holding in the original access licence and: <i>(tick the appropriate box)</i>			

H58 <input type="checkbox"/> is an <u>applicant</u> (the company/corporation's holding is to be exited from the original access licence).		
H59 <input type="checkbox"/> is <u>not</u> an applicant (the company/corporation provides consent to this application).		
H60 Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary <input type="checkbox"/> duly authorised officer		
H61 Name of signatory	Signature	Date
H62 Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary		
H63 Name of signatory	Signature	Date

If Section H is being executed on behalf of more than two corporations, attach extra copies of this page.

H64 Have extra copies of this page been attached? <input type="checkbox"/> No <input type="checkbox"/> Yes - specify number:
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SECTION J: Application contact person

You do not need to complete this section if:

- there is only one applicant, or
- you would like the first applicant listed in Section H to be the application contact person.

Complete this section if you would like to nominate an application contact person other than the first applicant listed in Section H.

J1 Title (Mr, Mrs, Ms)	J2 Surname		
J3 Given name/s			
J4 Company/corporation name (if applicable)			
J5 ACN (if applicable)		J6 Position held (if applicable)	
J7 Address			
J8 Town	J9 State	J10 Postcode	J11 Country
J12 Phone		J13 Mobile phone	
J14 Fax	J15 Email		

SECTION K: Declaration of approval holders

Complete this section if:

- you are applying to ADD a nominated water supply work/s to a new water access licence in G3, and
- the holders of the new water access licence will not be the same as the holders of the approval for the nominated works.

Each approval holder who provides consent to the nomination of a water supply work by the new water access licence must:

- agree to the declaration below, and
- sign the application form.

Declaration of approval holders:

I/We, the undersigned, acknowledge and agree:

- a) that I/We are the holder(s) of the approval referred to at K1 below;
- b) that I/We consent to the water supply work/s listed on the approval being nominated as work/s by means of which water credited to the new water access licence granted to replace an extinguished holding specified in Section C may be taken (refer to G3);
- c) that all information contained in this application relating to the approval(s) is accurate, true and complete and that the Crown in right of the State of New South Wales, including the DPI Water and its officers, employees, agents and successors ('the State') will rely on such information;
- d) that the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently;
- e) that details about the approval/s may be recorded in the publicly available Water Access Licence Register, pursuant to the *Water Management Act 2000*.

For NSW approvals held by individuals

K1 Approval number:	
K2 Title (Mr, Mrs, Ms)	K3 Surname
K4 Given name/s	
Signature	Date

K5 Approval number:	
K6 Title (Mr, Mrs, Ms)	K7 Surname
K8 Given name/s	
Signature	Date

For NSW approvals held by a corporation

Executed for and on behalf of the applicant in accordance with section 127 of the *Corporations Act 2001 Cth* (if a company) or by its duly authorised officer (for other types of corporations).

K9 Approval number:		
K10 Company/corporation name		
K11 ACN or ABN		
K12 Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary <input type="checkbox"/> duly authorised officer		
K13 Name of signatory	Signature	Date
K14 Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company		
K15 Name of signatory	Signature	Date

If there are more than two individual signing Section K, or if Section K is being executed on behalf of more than one corporation, attach extra copies of this page.

K16 Have extra copies of this page been attached? <input type="checkbox"/> No <input type="checkbox"/> Yes - specify number:
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Privacy statement

The personal information you provide on this form is subject to the *Privacy & Personal Information Protection Act 1998*. It is being collected by WaterNSW and will be used for purposes related to assessing and processing your application, or in connection with any licence granted or amended, or for research-related purposes such as customer surveys. It may be used from time to time to contact you about services WaterNSW provides. WaterNSW will not disclose your personal information to anybody else unless authorised by law. The provision of this information is voluntary. However, if you choose not to provide the requested information we will not be able to process your application. You have the right to request access to, and correct details of, your personal information held by the department. Further information regarding privacy can be obtained from the WaterNSW website at www.waterNSW.com.au

If the application is granted, the *Water Management Act 2000* requires that various details relating to the licence/s are to be recorded in the Water Access Licence Register kept by the Minister. Information recorded in the register is publicly available.

Offences and suspension or cancellation

It is an offence, under section 344 of the *Water Management Act 2000*, to make a statement that you know to be false or misleading in, or in connection with, this application. A corporation found guilty of an offence against section 344 is liable to a penalty not exceeding \$1.1 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$247,500.

An access licence or approval may be suspended or cancelled under the *Water Management Act 2000* in certain circumstances. These include if the holder of the licence or approval is convicted of an offence under that Act.