

## Application to exit a co-held water access licence (s74)

Please refer to the accompanying [guide](#) and [fact sheet](#) to the Application to exit a co-held water access licence under section 74 of the *Water Management Act 2000* (WMA).

This exit a co-held water access licence (WAL) application can be held by one or more holders. Where there are multiple holders of the same licence, the holders are referred to as 'co-holders'.

The co-holders of a WAL have individual 'holdings' in the licence, which can be held as joint tenants or tenants in common. An individual holding can also be held by more than one person as joint tenants only.

One or more holdings in a WAL which are held as tenants in common can be separated from the licence through a 'water dealing' to exit from a co-held WAL under section 74 of the WMA. An application for this dealing cannot be accepted if the co-holders hold the WAL as joint tenants.

If an application to exit from a co-held water access licence is granted:

1. The co-holder's holding in the original access licence is extinguished (cancelled)
2. The co-holder is granted a new WAL to replace their extinguished holding
3. The entitlement of the original access licence is reduced.

### What you need to do

Applicants are advised to read the instructions carefully before filling in this form. Step-by-step instructions on each section are included in the [guide](#) to the "Application to exit a co-held water access licence (s74)".

Please complete the hardcopy form with a black/blue ink pen and use BLOCK letters. You can also type directly into this digital form. Once completed, please print and sign the form.

#### Submit your application form

- by post to **WaterNSW, PO Box 398, Parramatta NSW 2124**, or
- or email a scanned copy to [Customer.Helpdesk@waternsw.com.au](mailto:Customer.Helpdesk@waternsw.com.au)

If there is not enough space in the form, please attach additional pages to the back of the form.

#### Application fee

The application fee can be on the [Applications and fees page](#) of our website and is payable for each application. You can pay the application fee by credit card, cheque or money order.

- If paying by credit card, please do not provide your credit card details in writing to WaterNSW. Once the application is submitted, we will contact you to process payment over the phone for all credit card payments.
- Cheques and money orders to be made payable to WaterNSW and posted.

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



If you wish to schedule a meeting, [visit our website](#) and complete the pre-application meeting form for your area.



Your application may be rejected or delayed if the required information or application fee is not provided.

### Section A: Pre-application meeting

Complete this section if a pre-application meeting was held.

A1 Date of meeting

A2 WaterNSW officer

A3 Office location if in person

### Section B: Co-held water access licence to be exited

Complete this section with the details of the water access licence.

#### Water access licence

B1 Water access licence number

### Section C: Co-holder/s details for the holding/s to exit for the water access licence

List ALL co-holders of the holdings that are exiting from the water access licence.

- If more than two holdings are exiting, photocopy/print additional copies of Section C complete it and attach it to this form.
- If there are more than two co holders of an exiting holding, photocopy/print additional copies of Section C complete it and attach it to this form.
- Please note that applications submitted via email **must** include the email addresses of all listed applicants.

Create a unique identifier for each holding below such as Holding A and Holding B.

#### Holding 1

c1 Holding identifier

c2 Number of co-holders

#### Co-holder 1

c3 Title (Mr, Mrs, Ms)

c4 Surname

c5 Full legal name/s (including middle name/s)

c6 Company/corporation name (if applicable)

c7 ACN (if applicable)		c8 ABN (If you do not hold an ACN and are an organisation incorporated in NSW you must provide an ABN.)	
c9 Position held (if applicable)			
c10 Postal address			
c11 Suburb		c12 State	c13 Postcode
c14 Phone		c15 Mobile phone	
c16 Email			

### Co-holder 2

c3 Title (Mr, Mrs, Ms)		c4 Surname	
c5 Full legal name/s (including middle name/s)			
c6 Company/corporation name (if applicable)			
c7 ACN (if applicable)		c8 ABN (If you do not hold an ACN and are an organisation incorporated in NSW you must provide an ABN.)	
c9 Position held (if applicable)			
c10 Postal address			
c11 Suburb		c12 State	c13 Postcode
c14 Phone		c15 Mobile phone	
c16 Email			

### Holding 2

c1 Holding identifier	
c2 Number of co-holders	

### Co-holder 1

c3 Title (Mr, Mrs, Ms)		c4 Surname	
c5 Full legal name/s (including middle name/s)			
c6 Company/corporation name (if applicable)			

c7 ACN (if applicable)		c8 ABN (If you do not hold an ACN and are an organisation incorporated in NSW you must provide an ABN.)	
c9 Position held (if applicable)			
c10 Postal address			
c11 Suburb		c12 State	c13 Postcode
c14 Phone		c15 Mobile phone	
c16 Email			

### Co-holder 2

c3 Title (Mr, Mrs, Ms)		c4 Surname	
c5 Full legal name/s (including middle name/s)			
c6 Company/corporation name (if applicable)			
c7 ACN (if applicable)		c8 ABN (If you do not hold an ACN and are an organisation incorporated in NSW you must provide an ABN.)	
c9 Position held (if applicable)			
c10 Postal address			
c11 Suburb		c12 State	c13 Postcode
c14 Phone		c15 Mobile phone	
c16 Email			

### Section D: Nominated contact person



**Note:** If there is only one holder, you do not need to complete this section. If there are multiple holders and this section has not been completed, WaterNSW will assume the first holder listed on the form is the authorised contact person.

If a third party (such as a solicitor or broker) is acting on behalf of the water access licence holders, and they are to be considered the nominated contact, their details must be provided below.

### Nominated contact details (if applicable)

D1 Title (Mr, Mrs, Ms)	D2 Surname	
D3 Full legal name/s (including middle name/s)		
D4 Company/corporation name (if applicable)		
D5 ACN (if applicable)	D6 ABN (If you do not hold an ACN and are an organisation incorporated in NSW you must provide an ABN.)	
D7 Position held (if applicable)		
D8 Postal address		
D9 Suburb	D10 State	D11 Postcode
D12 Phone	D13 Mobile phone	
D14 Email		

Listing a nominated contact person assists us in processing your application where there are multiple holders. We may need to contact the nominated contact person to discuss the details contained in your application. In addition, any request for additional information about your application will be sent to the nominated contact person. Any information provided by the nominated contact person will be relied upon by WaterNSW in considering this application. A delay in responding to any such request may result in your application being further delayed or refused.

The rights and liabilities arising in relation to this application is shared by all applicants and not limited to the nominated contact person. Any changes to any details of an application for an approval (except for minor changes to contact details of an applicant) or withdrawal of the application must be in writing and signed and dated by all holders. Further, the Notice of decision and conditions statement issued in relation to your application will be sent to all applicants.

### Section E: Payment of application fee

E1 Specify method of payment for application fee <input type="checkbox"/> Credit card <input type="checkbox"/> Cheque <input type="checkbox"/> Money order  (If you select credit card, WaterNSW will contact you on the number below to arrange payment. Please <b>do not</b> provide your credit card details here.)
---

### Contact for credit card payment

E2 Contact name
E3 Contact number

## Section F: Details of the holdings to exit

Complete this section if more than one holding is exiting from the water access licence.

Where only one holding is exiting Tick F1 and go to Section G.

One or more holdings can be extinguished and replaced with a new water access licence.

*Tick the appropriate box*

F1 One new water access licence to replace all exited holdings indicated in Section C. <input type="checkbox"/>		
F2 One new water access licence to replace each exited holding indicated in Section C. <input type="checkbox"/>		
F3 Where a combination of the above is required when more than two holdings are exiting as indicated in Section C. For each holding (F4) complete either F5 or F6 below.		
F4 Holding identifier (as indicated in Section C)	F5 Convert to a single water access licence	F6 If combined with another holding specify the holding identifier (Section C) to be combined with.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Section G: Water account balance to be distributed

Carryover water allocations are limited to those water access licences (WAL) in water sources that have water allocation accounts with separate accounting for allocations and carryover (applicable in some regulated rivers only). You must specify the division as a percentage.

Indicate below the option for the distribution of the water account balance and complete the sections in the table below as required.

- If all co-holders of the original access licence consent to this application and consent to apply to distribute the entitlements of the original access licence between the original access licence and the new WAL in the same proportions as the holding/s to exit bears to the original access licence, then only complete G1 and G2.
- If all co-holders of the original access licence consent to this application and request to distribute the entitlements in different proportions all of Section F must be completed.
- If co-holders with a majority share of the holdings in the original WAL consent to this application only complete G1 and G2.
- If there is a Supreme Court Order in place you only need to complete G1 and G2 below. The distribution shown below must be in line with the Order and a copy of the order is to be attached.



If more than two holdings are to exit from the original water access licence attach extra copies of this page and use the holding identifiers created for each holding in Section C.

G1 Holding identifier		
	Entitlement to be distributed to <b>original</b> water access licence	Entitlement to be distributed to <b>new</b> water access licence
G2 Share components	units/ML	units/ML
G3 Extraction component	%	%
G4 Water allocation account balance	%	%
G5 Carryover water allocation balance (if applicable) (Limited to water access licences in water sources with water allocation accounts with separate accounting for allocations and carryover (applies to some regulated rivers only)). Specify the division as a percentage.	%	%

G1 Holding identifier		
	units/ML	units/ML
G2 Share components	units/ML	units/ML
G3 Extraction component	%	%
G4 Water allocation account balance	%	%
G5 Carryover water allocation balance (if applicable) (Limited to water access licences in water sources with water allocation accounts with separate accounting for allocations and carryover (applies to some regulated rivers only)). Specify the division as a percentage.	%	%

The sum of each type of entitlement of the original access licence and the new water access licence specified in the previous table must equal 100 percent.

#### Section H: Declaration of co-holders of the original access licence

- Section H must be fully completed by and signed by all existing shareholders or enough shareholders to make up the majority of shares of the water access licence that is being exited or other changes are being applied for.
- If it is not fully completed, WaterNSW will return the application to the applicant/s as an invalid application. Please refer to the accompanying [guide](#) and [fact sheet](#) for the Exit a co-held water access license for further information.
- If there are multiple holders, please ensure that you retain signed copies of the completed application form for your records.

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.

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 or give approval to the exit
- 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) has my permission to act for and on my behalf in relation to any aspect of this application unless otherwise notified by us, and that WaterNSW 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 in every detail and that the State will rely on such information
- f) that I/we have read and understood the information contained in the WaterNSW Privacy statement (below)
- g) that by entering a mobile phone number and/or email address, you consent to WaterNSW communicating with you electronically in relation to this application. Unless you indicate otherwise, all correspondence will be sent via email or SMS
- h) that WaterNSW may collect, use and disclose my personal information as outlined in the WaterNSW privacy statement (below) and I consent to WaterNSW collecting, using and disclosing my personal information in accordance with the WaterNSW Privacy statement
- i) that I/we consent to WaterNSW sharing my personal information with NSW Government agencies or State-Owned Corporations from time to time
- j) 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
- k) that details about any licence arising out of this application will be recorded in the publicly available Water Access Licence Register pursuant to the *Water Management Act 2000*
- l) that if this application is incomplete, it will not be accepted; and that more information may be requested if it is considered that it would be relevant to the consideration of this application

### For applications made by individuals

I/We have read and understand the accompanying [guide](#) and [fact sheet](#) relating to exiting a co-held water access licence.

H1 Name	H2 Signature	H3 Date
H4 Applicant and exiting original water access licence		<input type="checkbox"/> Yes <input type="checkbox"/> No
H5 Not applicant - providing consent only		<input type="checkbox"/> Yes <input type="checkbox"/> No
H6 Name	H7 Signature	H8 Date
H9 Applicant and exiting original water access licence		<input type="checkbox"/> Yes <input type="checkbox"/> No
H10 Not applicant - providing consent only		<input type="checkbox"/> Yes <input type="checkbox"/> No
H11 Name	H12 Signature	H13 Date
H14 Applicant and exiting original water access licence		<input type="checkbox"/> Yes <input type="checkbox"/> No
H15 Not applicant - providing consent only		<input type="checkbox"/> Yes <input type="checkbox"/> No

### 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) or by its duly authorised officer. Where signing is undertaken by a duly authorised officer, please attach the authorisation for that duly authorised officer to this application form.

I/We have read and understand the accompanying [guide](#) and [fact sheet](#) relating to exiting a co-held water access licence.

H16 Name of corporation		
H17 ACN (if applicable)	H18 ABN (If you do not hold an ACN and are an organisation incorporated in NSW you must provide an ABN.)	
H19 Position of signatory <input type="checkbox"/> Company director <input type="checkbox"/> Sole director <input type="checkbox"/> Duly authorised officer <input type="checkbox"/> Company secretary		
H20 Name of signatory	H21 Signature	H22 Date
H23 Position of signatory <input type="checkbox"/> Company director <input type="checkbox"/> Sole director <input type="checkbox"/> Duly authorised officer <input type="checkbox"/> Company secretary		
H24 Name of signatory	H25 Signature	H26 Date

## Section I: Final checklist before submitting



**WaterNSW cannot accept this application if there is any money owing on the original licence or if the original licence is held by co-holders as joint tenants.**

**If you wish to surrender part of a co-held water access licence, you need to exit the co-held water access licence and then surrender the new water access licence.**

Please ensure:

- Section A** – Complete if you have held a pre-application meeting with WaterNSW.
  - Section B** – The water access licence number must be provided.
  - Section C** – The applicant/s details provided in this section must be all holders who are exiting the access licence. Details –full name/s, address, email address, contact number – must be provided for all applicants.
  - Section D** – Must be completed with the details of the contact person for this application may be an applicant or a third party acting for the applicant.
  - Section E** – Complete the payment method.
  - Section F** – Is only completed if more than 1 holding is exiting the water access licence. Where more than 1 holding is exiting it captures the details of the water access licences to be created for the exited holdings.
  - Section G** – Captures
    - Distribution of the water account balances in the original water access licence
    - Distribution of the water account balances for the new water access licence
- Note:** Carryover water allocation are limited to those water access licences in water sources that have water allocation accounts with separate accounting for allocations and carryover (applicable in some regulated rivers only). You must specify the division as a percentage.
- Section H** – Signed by each co-holder or the majority of the original water access licence. If the applicant is a company, the application is to be signed for and on behalf of the applicant by two company directors, a director and a company secretary, a sole director/secretary or a duly authorised officer.
  - That this application form is scanned once signed by all applicants and posted to:
    - **WaterNSW PO Box 398, Parramatta, NSW 2124**
    - or emailed to [Customer.Helpdesk@waternsw.com.au](mailto:Customer.Helpdesk@waternsw.com.au)

Please note that electronically submitted applications must copy in the email addresses of all applicants.

- If the dealing is granted, it does not take effect until the transaction has been registered in the Water Access Licence Register which is administered by NSW Land Registry Service. The applicant is responsible for registering a dealing with NSW Land Registry Service. Refer to the [guide](#) for further information.

## Privacy statement

The personal information you provide on this form will be used and protected in accordance with WaterNSW Privacy policy. It is being collected by WaterNSW and will be used for purposes related to assessing and processing your application, or in connection with the operation of any approval granted, 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 WaterNSW. Further information regarding privacy can be obtained from our website at [waternsw.com.au](http://waternsw.com.au)

If an approval is granted, the *Water Management Act 2000* requires that various details relating to the approval are to be recorded in the Register of Water Approvals kept by the Minister. Information recorded in the register is publicly available.

## Offences and penalties

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 \$2.002 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$500,500. 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.

### Need help?

If you need further assistance, please contact our Customer Service Centre on [1300 662 077](tel:1300662077), Monday to Friday between 8am to 5pm or email [Customer.Helpdesk@waternsw.com.au](mailto:Customer.Helpdesk@waternsw.com.au)

228854/150425