

Application to convert a private water trust to a private water corporation

Use this form to apply to convert a private water trust to a private water corporation under section 239D of the *Water Management Act 2000*.

When to use this form

Private water trusts (trusts) operate under the *Water Management Act 2000* and provide, maintain, or operate private water supply systems, water distribution systems or drainage systems for landholders within their boundaries, or landholders they have agreements with.

This form should be used by a private water trust to apply to convert to a private water corporation (the new corporation).

How to submit this form

To submit your application, email a copy of the completed application form and supporting information to: water.enquiries@dpie.nsw.gov.au.

Help

For help, please contact the Department of Climate Change, Energy, the Environment and Water at water.enquiries@dpie.nsw.gov.au.

Part 1 – Applicant details

The applicant is the trust seeking to convert to a corporation.
List the applicant and the name of at least one representative for the applicant.
The representative may be, for example, a trustee of the original trust.
Attach extra pages if there are more than one representative for the applicant.

Section A – Applicant

Trust name	
Name of trust representative	
Representative's position	
Address	
Phone number	
Email	
This person is a contact person for the application (tick box)	☐ Yes ☐ No

Section B – Application contact person

If you have selected a contact person(s) in Section A, you do not need to complete this section. A contact person may be an applicant or a third party such as a solicitor, accountant, or other representative.

Contact name	
Contact position	
Address	
Phone number	
Email	

Part 2 - Authorisation

Section C – Member approval

The application will not be granted unless two-thirds of the members of the trust approve the application being made.

Provide evidence that at least two-thirds of the members of the trust approve the application seeking to convert the trust to a corporation. For example, meeting minutes where members voted for a resolution to convert the trust to a corporation.

☐ I have attached evidence showing that at least two-thirds of the members of the trust approve of the application seeking to convert the trust to a corporation.

Part 3 – Corporation details

Section D – New corporation name

We recommend the new corporation's name should not be identical or very similar to an existing corporation's name, as that may cause confusion.

Existing corporation names can be found in Schedule 13 of the *Water Management Act 2000*.

Proposed name of new corporation	
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Section E – New corporation contact details

Provide the contact details of the new corporation.

Contact name	
Contact position	
Address	
Phone number	
Email	

Section F – New corporation purpose

The new corporation must be for the purpose of providing, maintaining, or operating a water supply system, water distribution system or drainage system.

Provide information about the purpose(s) of the new corporation. Attach extra pages if needed.

The purpose of the new corporation is to provide, maintain or operate any or all of a:

- ☐ water supply system
- ☐ water distribution system
- ☐ drainage system

Details of the system(s) the new corporation will be responsible for:

Section G – Corporation rules

The new corporation must have rules.

Provide the proposed rules for the new corporation. For information on how to prepare rules for a corporation, refer to our [website](#).

- ☐ I have attached proposed rules for the new corporation.

Section H – Works plan

The new corporation must have a works plan to identify the water management works which are the new corporation's works.

Provide the current works plans of the trust seeking to convert to a corporation and a works plan for the new corporation. For information on how to prepare a works plan, refer to our [website](#).

- ☐ I have attached current works plans of the trust seeking to convert to a corporation.
- ☐ I have attached a works plan for the new corporation.

Section I - Landholdings

The new corporation will operate in the same area as the trust seeking to convert to a corporation.

A decision to approve an application to convert a trust to a corporation will not change the boundaries.

Provide a list of the landholdings for which the new corporation will exercise its functions. For example, a list of lot and deposited plan references.

☐ I have attached details of the landholdings for which the new corporation will exercise its functions.

OR

☐ The works plan attached to this form includes a list of the landholdings for which the new corporation will exercise its functions.

Section J – Members

The new corporation will have the same members as the trust seeking to convert to a corporation.

A decision to approve an application to convert a trust to a corporation will not change trust members other than to make them members of the new corporation.

Provide the full names of the members of the new corporation.

☐ I have attached details of the members of the new corporation.

OR

☐ The works plan attached to this form includes a list of members of the new corporation.

Section K – Board members

Provide the names of the board members of the new corporation, pending the first election of the board.

The board members will be the current trustees of the trust applying to convert to a corporation.

Name:	
Name:	
Name:	
Name:	
Name:	

Section L – First election

The new corporation must elect its board members in accordance with its rules.

Provide the proposed date, time, and location for the first election of the board members of the new corporation.

If the current trustees of the trust applying to convert to a corporation were elected more than 2 years before conversion, the election must be held within 6 month after conversion.

If the current trustees were elected within 2 years before conversion, the next election will follow the election process in your rules.

Date:	
Time:	
Location:	

Part 3 – Declaration and application fee

The representative for the trust listed in Section A must complete the declaration confirming:

- they are authorised to make the application on behalf of their trust
- at least two-thirds of the members of the trust approve of the application to convert to a corporation.

If there is more than one applicant, photocopy/print multiple copies of the entire form after Sections A to L have been completed (before anyone signs Section M).

Section M - Declaration

We, the undersigned applicants, acknowledge and agree:

- we apply to convert our trust to a corporation as described in this application
- at least two-thirds of the members of the trust approve of the application to convert to a corporation
- 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
- the application contact person (where applicable) has our permission to act for and on our behalf in relation to any aspect of this application unless otherwise notified by us, and that the department will rely on information provided by the application contact person when considering this application
- the Crown in right of the State of New South Wales, including the department 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 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
- all information contained in this application is accurate, true and complete and that the Crown in right of the State will rely on such information
- 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

- details about any new corporation arising out of this application will be published on the NSW legislation website as part of the order constituting the new corporation pursuant to the *Water Management Act 2000*
- if this application is incomplete it may not be accepted
- more information may be requested if it would be relevant to the consideration of this application. The requested information must be supplied in the prescribed timeframe or the application may be deemed invalid or refused.

Executed for and on behalf of the applicant by its duly authorised officer:

Trust name	Trust representative's name	Trust representative's signature	Date

Section N – Pre-submission checklist

Before submitting your application, please ensure you have attached all of the following:

- ☐ Evidence that at least two-thirds of members approve the application to convert the trust to a corporation
- ☐ Proposed rules for the new corporation
- ☐ Current works plans of the trust applying to convert to a corporation
- ☐ Works plan of the new corporation
- ☐ List of landholdings for which the new corporation will exercise its functions
- ☐ Names of the members of the new corporation

Privacy statement

Information from this form is collected by the Department of Climate Change, Energy, the Environment and Water for the purpose of:

- assessing, processing and determining your application to amalgamate corporations, including, if your application is granted, publishing the information required under section 160 of the *Water Management Act 2000* on the NSW legislation website
- administering any new corporation resulting from a decision on your application.

The supply of this information is required by law. If you do not provide the information, we will not be able to consider your application.

Your details will be stored in accordance with the requirements of the *State Records Act 1998* and securely destroyed once it is no longer needed. Information will be stored and managed in accordance with provisions under the *Privacy and Personal Information Protection Act 1998*, the department's privacy policies, and the department's privacy management plan.

Your details may be used:

- for compliance
- to research trends
- for customer surveys and to contact you about services the department provides
- for training and improvement to our systems and services.

Your details will be deidentified wherever possible before being used and will not be given to any other third party except where required or authorised by law.

You may access or correct your personal information by contacting water.enquiries@dpie.nsw.gov.au or the Information Access & Privacy unit on 02 9860 1440 or privacy@dpie.nsw.gov.au.

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.