

Application to amalgamate private water corporations

Use this form to apply to amalgamate private water corporations under section 159 of the *Water Management Act 2000*.

When to use this form

Private water corporations (corporations) 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 2 or more corporations seeking to amalgamate and create one corporation (the new corporation).

This form is for amalgamation only. A decision to approve an application to amalgamate corporations will not change corporation boundaries or members, other than to combine them together.

If the application is granted and the new corporation is constituted:

- the amalgamated corporations are automatically abolished
- the new corporation is a continuation of, and the same legal entity as, each of the amalgamated corporations.

Private water trusts seeking to amalgamate should use the [Application to amalgamate 2 or more private water trusts](#) form.

How to submit this form

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

Help

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

Part 1 – Applicant details

The applicants are the corporations seeking to amalgamate.
 List all applicants and the name of at least one representative for each applicant. The representative may be, for example, a board member of the corporation.

Attach extra pages if there are:

- more than 2 applicants
- more than one representative for an applicant.

Section A – Applicants

First applicant

| | |
|---|---|
| Corporation name: | |
| Name of corporation representative: | |
| Representative’s position: | |
| Address: | |
| Phone number: | |
| Email: | |
| This person is a contact person for the application (tick box): | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Second applicant

| | |
|-------------------------------------|--|
| Corporation name: | |
| Name of corporation representative: | |
| Representative’s position: | |
| Address: | |

| | |
|---|---|
| Phone number: | |
| Email: | |
| This person is a contact person for the application (tick box): | <input type="checkbox"/> Yes <input type="checkbox"/> 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 – Corporation details

Section C – 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: | |
|-----------------------------------|--|

Section D – New corporation contact details

Provide the contact details of the new corporation.

| | |
|-------------------|--|
| Contact name: | |
| Contact position: | |
| Address: | |
| Phone number: | |
| Email: | |

Section E – 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 amalgamated 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 F – Corporation rules

Corporations can make rules about amalgamating with other corporations.

Provide the current rules of the corporations seeking to amalgamate and evidence the corporations have complied with their rules about amalgamating with other corporations. For example, meeting minutes where members voted for a resolution to amalgamate the corporation with other corporations.

- I have attached current rules of the corporations seeking to amalgamate.
- I have attached evidence showing the corporations seeking to amalgamate have complied with their rules about amalgamating with other corporations.

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 G – Works plan

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

Provide current works plans of the corporations seeking to amalgamate 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 corporations seeking to amalgamate.
- I have attached a works plan for the new corporation.

Section H - Landholdings

The new corporation will operate in the same area as the corporations seeking to amalgamate. A decision to approve an application to amalgamate corporations will not change corporation boundaries other than to combine them together.

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 I – Members

The new corporation will have the same members as the corporations seeking to amalgamate. A decision to approve an application to amalgamate corporations will not change corporation members other than to combine them together.

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 J – Board members

Provide the names of the board members of the new corporation, pending the first election of the board. The board must have between 3 and 10 members.

| | |
|-------|--|
| Name: | |
| Name: | |
| Name: | |
| Name: | |
| Name: | |

| | |
|-------|--|
| Name: | |
| Name: | |
| Name: | |
| Name: | |
| Name: | |

Section K – 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. We recommend that the proposed election date is at least 6 months after you submit this form. This will give us enough time to assess your application before the election date. You can change the election date after this form is submitted.

| | |
|-----------|--|
| Date: | |
| Time: | |
| Location: | |

Part 3 – Declaration and application fee

For each corporation seeking to amalgamate, the representatives listed in Section A must complete the declaration confirming:

- they are authorised to make the application on behalf of their corporation
- their corporation has complied with their rules about amalgamating with other corporations.

Photocopy/print multiple copies of the entire form after Sections A to I have been completed (before anyone signs Section J).

Section L - Declaration

We, the undersigned applicants, acknowledge and agree:

- we apply to amalgamate our corporations as described in this application
- we have complied with our rules about amalgamating with other corporations
- 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:

| Corporation name | Corporation representative’s name | Corporation representative’s signature | Date |
|------------------|-----------------------------------|--|------|
| | | | |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |

Section M – Payment of application fee

You do not need to include payment with your form. The department will contact the payee you list below for payment.

| | |
|-----------------------|---|
| Payee name: | |
| Payee contact number: | |
| Method of payment: | <input type="checkbox"/> Credit card <input type="checkbox"/> Direct deposit |

Section N – Pre-submission checklist

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

- Current rules of the corporations seeking to amalgamate
- Evidence of compliance with existing rules about amalgamating with other corporations
- Proposed rules for the new corporation
- Current works plans of the corporations seeking to amalgamate
- 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 jpws@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.