

# Application to establish a private water corporation

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Use this form to apply to establish a new private water corporation under section 141 of the *Water Management Act 2000*.

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## 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 landholders of landholdings who are seeking to constitute a new private water corporation (the new corporation).

The landholdings must be being worked on separately as 2 or more holdings, not as one holding. The form is for new corporations only. No new private water trusts can be applied for.

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## 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](mailto:jpws@dpie.nsw.gov.au).

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## Help

For help, please contact the Department of Climate Change, Energy, the Environment and Water at [jpws@dpie.nsw.gov.au](mailto:jpws@dpie.nsw.gov.au).

## Part 1 – Applicant details

### Applicants

The applicants are the landholders seeking to form a new corporation.

‘Landholder’ is defined in the *Water Management Act 2000* and means:

- the owner of the land, or
- the lawful occupier of the land (if the owner is not in occupation of the land).

List all applicants for the new corporation. Attach extra pages if there are more than 2 applicants. The applicants will be the members of the new corporation.

### Land parcels

List all land parcels that each applicant is a landholder of that will be included in the boundaries of the new corporation. The land parcels make up the landholdings for which the corporation can exercise its functions.

### Type of landholder

For each land parcel in a landholding, specify whether the applicant is the owner or occupier. Applicants must provide evidence that they are the owner or lawful occupier of a landholding, such as a copy of a certificate of title or lease agreement.

## Section A – Applicants

### First applicant

Name:	
Land parcels:	
Type of landholder:	<input type="checkbox"/> Owner <input type="checkbox"/> Occupier

### Second applicant

Name:	
Land parcels:	
Type of landholder:	<input type="checkbox"/> Owner <input type="checkbox"/> Occupier

I have attached evidence that the applicants are the owner or lawful occupier of the land.

## Section B – Application contact person

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:	
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### 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 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 F – 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 G – Works plan

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

For information on how to prepare a works plan, refer to our [website](#).

I have attached a works plan for the new corporation.

## Section H – 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:	
Name:	

## Section I – 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

Each applicant must sign Section J.

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

### Section J - Declaration

We, the undersigned applicants, acknowledge and agree:

- we apply to establish a new corporation as described in this application
- 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.

**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 corporation):

Name of corporation:		
Position of signatory:		
Name of signatory:	Signature:	Date:
Position of signatory:		
Name of signatory:	Signature:	Date:

**For applications made by individuals:**

Name:	Signature:	Date:
Name:	Signature:	Date:

## Section K – 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 L – Pre-submission checklist

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

- Evidence that the applicants are the owner or lawful occupier of the landholdings
- Proposed rules for the new corporation
- Works plan of the new corporation

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## 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 establish a new corporation, including, if your application is granted, publishing the information required under section 142 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](mailto:jpws@dpie.nsw.gov.au) or the Information Access & Privacy unit on 02 9860 1440 or [privacy@dpie.nsw.gov.au](mailto:privacy@dpie.nsw.gov.au).

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## 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.