

# Application to amalgamate private water trusts

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Use this form to apply to amalgamate private water trusts under section 239 of the *Water Management Act 2000*.

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## 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 2 or more trusts seeking to amalgamate and create one trust (the new trust).

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

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

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

Private water corporations seeking to amalgamate should use the [Application to amalgamate private water corporations](#) form.

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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

The applicants are the trusts seeking to amalgamate.

List all applicants and the name of at least one representative for each applicant. The representative may be, for example, a trustee of the trust.

Attach extra pages if there are:

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

### Section A – Applicants

#### First 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):	<input type="checkbox"/> Yes <input type="checkbox"/> No

#### Second 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):	<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 – Trust details

### Section C – New trust name

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

[Existing trust names can be found on the department's website.](#)

Proposed name of new trust:	
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## Section D – New trust contact details

Provide the contact details of the new trust.

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

## Section E – New trust purpose

The new trust 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 trust. Attach extra pages if needed.

The purpose of the amalgamated trust 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 trust will be responsible for:

## Section F – Trust rules

Trusts can make rules about amalgamating with other trusts.

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

I have attached current rules of the trusts seeking to amalgamate.

I have attached evidence showing the trusts seeking to amalgamate have complied with their rules about amalgamating with other trusts.

The new trust must have rules.

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

I have attached proposed rules for the new trust.

## Section G – Works plan

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

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

I have attached current works plans of the trusts seeking to amalgamate.

I have attached a works plan for the new trust.

## Section H - Landholdings

The new trust will operate in the same area as the trusts seeking to amalgamate.

A decision to approve an application to amalgamate trusts will not change trust boundaries other than to combine them together.

Provide a list of the landholdings for which the new trust 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 trust will exercise its functions.

OR

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

## Section I – Members

The new trust will have the same members as the trusts seeking to amalgamate.

A decision to approve an application to amalgamate trusts will not change trust members other than to combine them together.

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

I have attached details of the members of the new trust.

OR

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

## Section J – Trustees

Provide the names of the trustee of the new trust, pending the first election of the trust. The number of trustees of a private water trust is to be the number when section 220 of the *Water Management Act 2000* commenced.

Name:	
Name:	
Name:	
Name:	
Name:	

## Section K – First election

The new trust must elect its trustees in accordance with its rules.

Provide the proposed date, time, and location for the first election of the trustees of the new trust. 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 trust 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 trust
- their trust has complied with their rules about amalgamating with other trusts.

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 trusts as described in this application
- we have complied with our rules about amalgamating with other trusts
- 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 trust arising out of this application will be published on the NSW legislation website as part of the order constituting the new trust 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 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 trusts seeking to amalgamate
- Evidence of compliance with existing rules about amalgamating with other trusts
- Proposed rules for the new trust
- Current works plans of the trusts seeking to amalgamate
- Works plan of the new trust
- List of landholdings for which the new trust will exercise its functions
- Names of the members of the new trust

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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 amalgamate trusts, 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 trust 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 trust 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.