



Secured interest registration by holders of replacement water access licences

Water Management Act 2000

If there was a registered secured interest* in the land benefited by a 'prior' Water Act 1912 licence granted before issue of a replacement water access licence (WAL), you will not be able to register dealings in the replacement water access licence until the holder(s) of that interest(s) has had the opportunity to have that interest(s) registered against the replacement WAL(s).

* registered on the Land Titles Register (managed under the Real Property Act 1900 or the Corporations Register managed by the Australian Securities and Investments Commission (ASIC)).

Use this form to:

- Provide registered interest holders with an opportunity to register their interest against the replacement WAL.
- Initiate issue of the water access licence certificate where all parties nominate the certificate holder.

You are advised to read the *Guide to secured interest registration by holders of replacement water access licence(s)* (attached) before filling in this form.

Please complete the form with a black/blue ink pen and use BLOCK capitals.

Section A: Licence

| | | | |
|----|---|----|-----|
| A1 | Insert 'prior' water licence (<i>Water Act 1912</i>) number. For bore licences, insert only the relevant 'property account' number | | |
| A2 | Insert the number of the Water Access Licence* (WAL) replacing the water licence or property account specified at A1 above. <i>Note: one prior licence may be replaced by multiple WALs.</i> | A3 | WAL |
| | | A4 | WAL |
| | | A5 | WAL |

* a reference to a WAL is also a reference to an Aquifer Access Licence or a Supplementary Water Access Licence.

Section B: Contact details (WAL holder or their agent)

| | | | | | |
|-----|---------------------------------------|-----|----------------|-----------------------|---------|
| B1 | Title (<i>Mr, Mrs, Ms</i>) | B2 | Surname | | |
| B3 | Given name(s) | | | | |
| B4 | Company name (<i>if applicable</i>) | | | | |
| B5 | ACN | B6 | Position held: | | |
| B7 | Address | | B8 | Town | |
| B9 | State | B10 | Postcode | B11 | Country |
| B12 | Phone no. | | B13 | Alternative phone no. | |
| B14 | Fax no. | | B15 | E-mail | |

| | | | |
|------------------------|---------------------|---------------------|-------|
| Office use only | Officer name: | Office Stamp | |
| | Officer signature: | | Date: |
| | Application number: | | |

Section C: Register a security interest in a replacement water access licence

Complete this section if the registered security interest holder* elects to have the interest registered against the replacement water access licence(s). In relation to a particular security interest, complete either Section C or Section D, not both.

* registered on the Land Titles Register (Real Property Act 1900) or the Corporations Register (ASIC).

C1 Secured interest details

Name of interest holder:

In the case of a **registered** interest, the mortgage/charge reference is _____ (registration number) registered pursuant to the:

* Real Property Act 1900 (in the NSW Land Titles Register) } (strike out one)

* Corporations Act 2001 (in the ASIC Corporations Register) }

Note: a person holding any other prior interest such as unregistered interests or those registered under the *Conveyancing Act 1919* may apply for registration for up to 3 years after conversion of the 'prior' *Water Act 1912* licence provided the water access licence holder is advised of the proposed application and has an opportunity to object.

The mortgage/charge [*strike out inappropriate option*] was held in the *Water Act 1912* entitlement (licence number _____) in respect of the Lot/Deposited Plan

| | | |
|--------------|--------------|--------------|
| _____//_____ | _____//_____ | _____//_____ |
| _____//_____ | _____//_____ | _____//_____ |
| _____//_____ | _____//_____ | _____//_____ |

C2 Replacement water access licence(s)

I seek to have this security interest registered in the name of the security interest holder in the Water Access Licence(s) that replaced the above-mentioned *Water Act 1912* licence. Note: Do not include any specific purpose WALs as security interests cannot be registered against them.

C4 Interest holder declaration

I make this solemn declaration conscientiously believing the same to be true.

Name of authorised representative for the secured interest holder

Declared at [place] this [date] day of [month, year],

Before me, [signature of Justice of the Peace or other party legally authorised to witness]

..... [signature of declarant]

C5 Water access licence holder(s) declaration

The water access licence holder(s) can either acknowledge the existence of the interest or request that an 'Objection' be noted against the interest. Please tick appropriate box below:

Acknowledge the existence of the interest and proceed with registration.

OR

Object to the security interest holder's claim but proceed with the registration.

I request the registration of the interest noted above in the water access licence(s) specified in Section A above and understand that I will not be entitled to a 90 day notification period by reason of this request. Furthermore I have no objection to the water access licence certificate being issued to the security interest holder.

Signature of water access licence holder(s) [*attach schedule if more than 2 WAL holders*]

.....

Name: Name:

Date: Date:

Section D: Security interest holder does NOT want to register a security interest

This section is to be completed if the security interest holder does **not** intend to register the interest. Only the security interest holder need complete and sign this section.

D1 Secured interest details

Name of interest holder

In the case of a **registered** interest, the mortgage/charge reference is _____ (registration number) registered pursuant to the:

- * *Real Property Act 1900* (in the NSW Land Titles Register) } (strike out one)
- * *Corporations Act 2001* (in the ASIC Corporations Register) }

The mortgage/charge [*strike out inappropriate option*] was held in the *Water Act 1912* entitlement (licence number _____) in respect of the Lot/Deposited Plan:

| | | |
|---------|---------|---------|
| _____// | _____// | _____// |
| _____// | _____// | _____// |
| _____// | _____// | _____// |

D2 Interest holder declaration

..... [*enter name of security interest holder*] does not require the security interest identified in D1 above to be registered against the access licence(s) specified in A2 [*pursuant to Schedule 10, clause 19 (1) of the Water Management Act 2000.*]

..... [Signature of security interest holder or authorised representative]

..... [*position of authorised representative*]

Name: Name:

Date: Date:

Section E: Issue WAL Certificate

This section is to be completed if the registered security interest(s)* have had the opportunity to register their interest(s) against the replacement WAL (Sections C and D) and all holders and all security interest holders registered on the WAL Register or referred to in Section C agree on who should hold the certificate.

* *registered on the Land Titles Register (Real Property Act 1900) or the Corporations Register (ASIC).*

I/we request that the water access licence certificate(s) be issued by Department of Lands, Land and Property Information Division to:

E1 Name of party to hold the Certificate _____

E2 Delivery address _____

E3 Name of contact person (for corporations) _____

All security interest holders to complete:

| | | | | | |
|-----|--|-------|----|-------------------------|-------|
| E4 | Name of interest holder | _____ | E5 | ACN | _____ |
| E6 | Name of authorised person (corporations) | _____ | E7 | Position (corporations) | _____ |
| E8 | Signed | _____ | E9 | Dated | _____ |
| E10 | Name of interest holder | _____ | | ACN | _____ |
| | Name of authorised person (corporations) | _____ | | Position (corporations) | _____ |
| | Signed | _____ | | Dated | _____ |

Additional interest holders should copy this page, complete and attach to this form.

All WAL holders to complete:

| | | | | | |
|-----|--|-------|-----|-------------------------|-------|
| E11 | Name of WAL holder | _____ | | | |
| E12 | Name of authorised person (corporations) | _____ | E13 | Position (corporations) | _____ |
| E14 | Signed | _____ | E15 | Dated | _____ |
| E16 | Name of WAL holder | _____ | | | |
| | Signed | _____ | | Dated | _____ |
| E17 | Name of WAL holder | _____ | | | |
| | Signed | _____ | | Dated | _____ |
| E18 | Name of WAL holder | _____ | | | |
| | Signed | _____ | | Dated | _____ |

Additional WAL holders should copy this page, complete and attach to this form.



Guide to *Secured interest registration by holders of replacement water access licences form*

Introduction

This guide is provided to assist you in completing the *Security interest registration by holders of replacement water access licence(s)* form.

The Water Management Act 2000 provides that a person with a security interest in a 'prior' Water Act 1912 will be taken to have an equivalent interest in the replacement water access licence (WALs). Note that a reference to a replacement WAL is also a reference to a replacement aquifer access licence(s) or supplementary water access licence(s).

This form is used to resolve registered* security interests in the 'prior' licence(s). Once resolved, DNR will instruct Land and Property Information to add a notation to the title that allows dealings to be registered.

* At all times in the form and in this Guide, a reference to a registered interest is limited to an interest registered on the Land Titles Register (Real Property Act 1900) or the Corporations Register (ASIC).

DNR will also instruct LPI to issue a Water Access Licence Certificate to the ranking security interest holder. In case of multiple interests with no agreed ranking, dealings may proceed without a certificate. LPI applies additional measures to validate dealings in these WALs.

Special case: former surface authorities. Certificates may be issued for replacement WAL(s) held by former surface authorities where all parties (ie. holders and registered security interests agree on who should hold it). LPI applies additional measures to validate dealings in these WALs.

About these instructions

The *Security Interest Registration by holders of replacement water access licence(s)* form comprises Sections A to E, which are divided into one or more questions. The questions are identified by a number on the left hand side of the page, for example, B4, which is question 4 in Section B. This guide provides explanations of terms and requirements to help you fill in the form. We recommend you read this carefully before completion. If you require further assistance, please contact your local office of DNR.

General instructions

To make sure that the form is processed efficiently please note these general instructions:

- use BLOCK capitals as they are much easier to read;
- if there is not enough space on the form for all your information, complete the answer on a separate sheet of paper and attach to the application form (remember to include this page when numbering your pages);
- to avoid delays, ensure that you fully complete the form as all the information is necessary to validate resolution.

Section A: Licence

Section A identifies the prior water licence and its replacement WAL(s).

- A1: Enter the number of the *Water Act 1912* licence (the 'prior' licence) or, in the case of former bore licences, the property account number.
- A2-4: Enter the numbers of the WALs that replaced the *Water Act 1912* licence or property account specified in A1. Do not include any WALs with specific purpose categories such as 'Domestic and Stock' as security interests cannot be registered against these types of WALs.

Section B: Contact details

All correspondence in relation to this matter will be sent to the contact person.

- B4: Insert the name of the company that is acting as agent or contact for the applicants;
- B5: Insert ACN (Australian Company Number) of the company acting as agent or contact for the applicants.
- B6: Indicate what position the nominated contact holds in the applicant company, eg Managing Director, Chief Executive. This only applies to company applications.

Section C: Register a security interest in a replacement water access licence

Once the holders of all registered security interests in the land benefited by the 'prior licence' have had an opportunity to register their interest against the replacement WAL, dealings in the replacement WAL may commence. Section C provides those interest holders with the opportunity to register.

- C1: Details of the security interest should be specified here. Separate forms should be completed for each security interest.
- C2: Insert the numbers of the WALs that the security interest is to be registered against. Security interests cannot be registered against WALs with specific purpose categories such as 'Domestic and Stock'. Therefore specific purpose WALs should not be included.
- C3: Complete this part if the Certificate is to be issued.
- C4: The security interest holder must complete this part.
- C5: WAL holder must complete this part.

Section D: Security interest holder does NOT want to register security interest

Section D identifies those security interests that are NOT to be registered (ie. the interest holder has been given the opportunity to register and they have declined).

- D1 Details of the security interest should be specified here. Separate forms should be completed for each security interest.
- D2: The security interest holder must complete this part.

Section E: Issue WAL Certificate

A WAL Certificate is evidence of ownership. LPI will register a dealing where the relevant Certificate is produced. Use Section E to nominate the holder of the Certificate. Note that a certificate can only be issued if all registered security interests have had an opportunity to have their interest registered against the replacement WAL (refer Section C and D).

- E1 Details of the security interest should be specified here. Separate forms should be completed for each security interest.
- E2: Delivery address for the Certificate.
- E3: If relevant, specify the person to whom the Certificate should be addressed.

- E4-9: Security interest holder (specified in Section C or already registered on the WAL Register) to complete. In many cases this will be the same person or company that is to hold the Certificate.
- E10: Provision for other security interest holders (specified in Section C or already registered on the WAL Register) to authorise Certificate release.
- E11 To be completed a WAL holder. Provision is made in E11-15 for a corporation or individual.
- E16-17 To be completed by remaining WAL holder(s). Note that all WAL holders must agree to the release of the Certificate.

Submitting your form

This form must be completed and lodged at a Department of Natural Resources (DNR) office. No fee applies.

Processing will be delayed if the form is incomplete or incorrect, as further information will be requested.

Registration at LPI

If the security interests are resolved, DNR will instruct LPI to update the replacement water access licence(s) at no charge.

DNR will also instruct LPI to issue a WAL Certificate for the replacement WAL(s) where appropriate.

For more information

Contact the water licensing officer at your local Department of Natural Resources office (contact details are available on the website) or

Free Call: 1800 353 104

Information: 02 9228 6333
Centre

email: wma.info@dnr.nsw.gov.au

website www.naturalresources.nsw.gov.au

You can also access the DNR information sheet *Registering water access licences*, from DNR's website

www.naturalresources.nsw.gov.au/water/dealings1.shtml which describes the registration process and provides contact details for LPI.

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