

Secured interest registration by holders of replacement water access licences

If there was a registered mortgage* 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 WAL until the holder(s) of that mortgage 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*).

Use this form to:

- provide registered interest holders with an opportunity to register their interest against the replacement WAL.
- initiate issue of the WAL Certificate where all parties nominate the certificate holder.

What you need to do

You are advised to read the guide to secured interest registration by holders of replacement WAL before filling in this form. No fee applies for registration of secured interests.

You can complete this form by typing directly into the PDF or by printing it out and filling it in by hand using a black/blue ink pen and BLOCK capitals. Once completed, please sign the form.

Submit your application form

- by post to **Security Interest Administrator, WaterNSW, PO Box 398, Parramatta NSW 2124**
- or email a scanned copy to Customer.Helpdesk@waternsw.com.au

Attach additional pages to the back of this form, if required.

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. Note: One prior licence may be replaced by multiple WALs.	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

Water access licence holder or their agent

B1 Title (Mr, Mrs, Ms)	B2 Surname
B3 Given name(s)	
B4 Corporation name (<i>if applicable</i>)	
B5 ACN (<i>if applicable</i>)	B6 ABN (<i>if you do not hold an ACN and are an organisation incorporated in NSW you must provide an ABN and a copy of your certificate of incorporation</i>)
B7 Position held (<i>if applicable</i>)	
B8 Name of company representative (<i>if applicable</i>)	
B9 Postal address	
B10 Suburb	B11 State
B12 Phone	B13 Mobile phone
B14 Email	

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 WALs. 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*)

C1 Secured interest details

Name of security interest holder

In the case of a **registered** interest, the mortgage reference is _____ (registration number) registered pursuant to the *Real Property Act 1900* (in the NSW Land Titles 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 three years after conversion of the 'prior' *Water Act 1912* licence provided the WAL holder is advised of the proposed application and has an opportunity to object.

The mortgage was held in the *Water Act 1912* entitlement (licence number _____) in respect of the Lot / Deposited Plan

Lot	DP	Lot	DP	Lot	DP
Lot	DP	Lot	DP	Lot	DP

c2 Replacement water access licences

I seek to have this security interest registered in the name of the security interest holder in the WAL 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.

WAL	WAL	WAL
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c3 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) _____

Signature of declarant _____

Before me (Name of Justice of the Peace or other party legally authorised to witness)

Signature of Justice of the Peace or other party legally authorised to witness _____

c4 Water access licence holders declaration

The WAL holders 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 WALs 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 WAL certificate being issued to the security interest holder.

Signature of water access licence holders [attach schedule if more than two WAL holders]

Name	Signature	Date
Name	Signature	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 needs to complete and sign this section.

D1 Secured interest details

Name of security interest holder

In the case of a **registered** interest, the mortgage reference is _____ (registration number) registered pursuant to the *Real Property Act 1900* (in the NSW Land Titles Register)

The mortgage was held in the *Water Act 1912* entitlement (licence number _____) in respect of the Lot / Deposited Plan

Lot	DP	Lot	DP	Lot	DP
Lot	DP	Lot	DP	Lot	DP

D2 Interest holder declaration

(Name of security interest holder) _____ does not require the security interest identified in D1 above to be registered against the access licences specified in A2 (pursuant to Schedule 10, clause 19 (1) of the *Water Management Act 2000*).

Name of security interest holder or authorised representative
Position of authorised representative
Signature
Bank stamp <i>(if applicable)</i>

SECTION E: Security interest holder does NOT want to register a security interest

This section is to be completed if the registered security interests* have had the opportunity to register their interests 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*).

I/We request that the WAL certificates be issued by NSW Land Registry Services (NSW LRS) 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 security interest holder	E5 ACN
E6 Name of authorised person (for corporations)	
E7 Position (for corporations)	
E8 Signature	E9 Date
E10 Name of security interest holder	ACN
Name of authorised person (for corporations)	
Position (for corporations)	
Signature	Date

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 (for corporations)	
E13 Position (for corporations)	
E14 Signature	E15 Date
E16 Name of WAL holder	
Name of authorised person (for corporations)	
Position (for corporations)	
Signature	Date
E17 Name of WAL holder	
Name of authorised person (for corporations)	
Position (for corporations)	
Signature	Date

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

Privacy statement

The personal information you provide on this form will be used and protected in accordance with WaterNSW Privacy policy. It is being collected by WaterNSW and will be used for purposes related to assessing and processing your application, or in connection with the operation of any approval granted, or for research-related purposes such as customer surveys. It may be used from time to time to contact you about services WaterNSW provides.

WaterNSW will not disclose your personal information to anybody else unless authorised by law. The provision of this information is voluntary. However, if you choose not to provide the requested information we will not be able to process your application. You have the right to request access to, and correct details of, your personal information held by WaterNSW. Further information regarding privacy can be obtained from our website at waternsw.com.au

If an approval is granted, the *Water Management Act 2000* requires that various details relating to the approval are to be recorded in the Register of Water Approvals kept by the Minister. Information recorded in the register is publicly available.

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. An access licence or approval may be suspended or cancelled under the *Water Management Act 2000* in certain circumstances. These include if the holder of the licence or approval is convicted of an offence under that Act.

Need help?

Contact our Customer Service Centre on [1300 662 077](tel:1300662077) Monday to Friday 8am - 5pm or email Customer.Helpdesk@waternsw.com.au