

# POMONA IRRIGATION TRUST

PO Box 311

WENTWORTH NSW 2648

ABN : 68 538 782 846

Telephone : 03 5027 3682 Email [info@pomonawater.com.au](mailto:info@pomonawater.com.au) Website : [www.pomonawater.com.au](http://www.pomonawater.com.au)

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## Transformation - Termination Application Guide

This guide is a reference for Transformation -Termination Applications which are used to apply to the Pomona Irrigation Trust for consent to transform Irrigation Rights or transforms Irrigation Rights & terminate Delivery Rights, as defined by the *Water Act 2007* (Cth). Transformation involves the cancellation of Pomona Irrigation Trust irrigation rights, and the assignment of such share component to the transferee's Water Access Licence (WAL). Termination involves the termination of Delivery Rights.

### Checklist

You will be required to provide the following documentation with your application for Transformation - Termination:

#### Submission for Conditional Approval:

- A fully completed 'Pomona Irrigation Trust Application for Transformation - Termination' form
- Copy of land title searches (Proof of Ownership of the Land)
- Payment of all Pomona Irrigation Trust rates & charges
- Cheque or EFT Receipt to Pomona Irrigation Trust for below fees totalling \$1,518.35
  - Pomona Irrigation Trust Application fee \$500
  - WaterNSW Fee \$852.95
  - LRS Fee \$165.40
- Copy of each applicants Drivers Licence

Applications will be considered in the order in which they are received by the Pomona Irrigation Trust office. All documentation is to be submitted together. Only original documents will be accepted – no faxes or emails. It is the applicant's responsibility to ensure that all required documentation is correctly completed and submitted. Failure to submit or correctly complete any of the required documentation will result in the application being returned to the applicant for resubmission and may lead to Pomona Irrigation Trust having to charge an additional fee to cover the added costs which will be incurred by Pomona Irrigation Trust as a result thereof.

### Completing the Application

- 1) All handwriting should be in BLOCK letters in blue or black ink.
- 2) All spaces on the form must be completed.
- 3) The real property description must be provided (Lot & DP number).
- 4) The application must be executed by ALL registered proprietors. If executing as attorney, please provide a copy of the power of attorney.
- 5) Follow any other instructions provided with the relevant forms / pages.

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## Registration requirements:

- Approved determination by WaterNSW (71Q form)
- Affirmation and consent by encumbrancee (if applicable)
- Original WAL title certificate
- Security, in an appropriate form (if applicable)
- Original Irrigation Right Share Certificate
- Payment of all charges, current and arrears

Additional requirements, if any, will be advised when conditional approval is granted.

## Security

Security for ongoing access fees may be requested under Water Market Rules rule 10, where:

- 1) The number of on-farm delivery rights exceeds five (5) times the number of on-farm Irrigation Rights remaining; and
- 2) Greater than 10 Delivery Rights are held.

Pomona Irrigation Trust preferred method is the lodging of a caveat on the titles of the WAL, noting the existence of Pomona Irrigation Trust statutory charge on the WAL. Other forms of security are available and will be assessed on a case-by-case basis.

An irrigation infrastructure operator must not require security to be given by a person under this rule in an amount that, at the time the security was given:

- (a) exceeds the amount that, under the *Water Charge (Termination Fees) Rules 2009*, would be payable to the irrigation infrastructure operator for the termination of the water delivery right held by the person against the operator at that time; or
- (b) if there is no such amount, exceeds the amount of the total network access charge within the meaning of those Rules payable to the operator in respect of the year in which the security is given.

An irrigation infrastructure operator must not refuse to accept security by reason only of the form in which it is offered if a person offers it in 1 or more of the following forms:

- (c) where part of an Irrigation Right is transformed, a charge over a part of the Irrigation Right that the person continues to hold;
- (d) a charge over an unencumbered Water Access Licence, or an unencumbered part of a Water Access Licence, obtained by the person as a result of the transformation of part of an irrigation right;
- (e) a charge over any other unencumbered Water Access Licence, or unencumbered part of a Water Access Licence, held by the person;
- (f) a guarantee given by an authorised deposit-taking institution within the meaning of the *Banking Act 1959*;
- (g) a deposit lodged with the irrigation infrastructure operator;
- (h) any other form of security agreed upon by the irrigation infrastructure operator and the person.

Any requirement for security to be provided will be notified at the time of conditional approval.

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## Notes

Details of your Irrigation Rights and Delivery Rights are available by contacting Pomona Irrigation Trust.

Applications will only be accepted if submitted on original, current version Transformation forms or in the form of a letter containing the same information as in the Pomona Irrigation Trust Application for Transformation form.

***Copies submitted via fax or email will not be accepted.***

A separate Termination application form must be submitted for the surrender or termination of Delivery Rights.

The Transferee in this application is the Pomona Irrigation Trust ratepayer who wishes to transform, if the transferee does not already possess a WAL then the transferee must apply to the NSW Office of Water at the transferee's own expense for the issue of a new WAL in the transferee's name.

Amounts credited to the State Water 'Water Use Account' of the Pomona Irrigation Trust up to the time of approval of application for transformation will remain in that account.

Pomona Irrigation Trust will submit the 71Q application to WaterNSW, and lodge the resulting determination and original WAL certificates with the Land Registry Services (LRS). All other lodgements or applications, for example obtaining a new WAL, are the responsibility of the transferee.

## Fees:

WaterNSW (2023 / 2024) :	\$ 852.95
Land Registry Services (2023 / 2024) :	\$ 165.40
Pomona Irrigation Trust :	\$ 500.00 as per Schedule of Charges

Additional fees will be incurred if allocation is included with the sale.

Fees can be paid by cheque or EFT to:

Pomona Irrigation Trust

BSB: 633 000

Acc: 108972340

## Submission and Enquiries

Submit completed applications to:

Pomona Irrigation Trust

PO Box 311

WENTWORTH NSW 2648

For all enquiries or further information regarding this application, please contact Pomona Irrigation Trust on:

Telephone: 0401 528 728

Email: [info@pomonawater.com.au](mailto:info@pomonawater.com.au)