

Guide to the application for a new specific purpose water access licence

Introduction

This guide is provided to assist you in completing the *Application for a new specific purpose water access licence*. The WaterNSW website www.waternsw.com.au provides further information on water access licences.

General instructions

This guide provides explanations of terms and requirements to help you complete the application.

The application form comprises sections which are divided into a series of questions. The questions are identified by a number on the left hand side of the form (for example, B4 is question 4 in section B). The following information corresponds to these references in the application form.

To make sure that your application is processed efficiently please note these general instructions:

- If completing a 'hard copy' form in handwriting, please use a black/blue ink pen and use BLOCK letters.
- For downloaded forms, if there is not enough space on the form for all your information, copy the relevant page(s), complete the answer as required and attach it to application form (remember to include this page(s) when numbering your pages);
- Ensure that you fully complete the form, as all the information is necessary to verify and process your application – your application may be rejected if all the required information is not provided.

A schedule of fees is available at www.waternsw.com.au. Alternatively, contact your local WaterNSW office for more information.

If the application form is incomplete, the application process may be delayed or the application may be refused. Further information may be requested in relation to the application.

Making and submitting an application

You can apply for a specific purpose water access licence using two options:

- Use **Water Applications Online** for an easy to use, interactive option. Applications using the online service can be processed faster than those submitted by post. Applicants can also track the progress of their application using a unique log in and password.

Once completed, a copy of the application must be printed out, signed by all applicants, and submitted by fax, email (as a scanned attachment), post or lodged in person at your local WaterNSW office.

When using the online option, application fees must be paid online using a credit card.

- **Download an application form as a PDF document** (or obtain a printed copy from your local WaterNSW office) and complete it in either in handwriting or fill out using Adobe Acrobat Reader (Version 8 or above). The form must then be signed by all applicants, and submitted by fax, email (as a scanned attachment), post or lodged in person at your local water licensing office.

Application fees can be paid by phone using a credit card or paid by cheque made out to WaterNSW.

SECTION A: Applicant details

These are the details of each of the holder(s) that will appear on the water access licence.

- A1-4** The name can be a person's name or the name of a legal entity, such as a corporation. Trading names are not permitted.
- A5** Insert the Australian Company Number (ACN) if it is a company application. Note that an ABN (Australian Business Number) is not permitted.
- A6** Insert the position of the person(s) making the application for and on behalf of the corporation.
- A7-11** Insert the address of the applicant. If a corporation is applying, insert the address details of the corporation's registered office.
- A16-23** More than one person can hold one water access licence. Downloaded forms make provision for two applicants. For more than two applicants, provide the information on additional pages and attach to the application form. Each applicant will be a holder of any water access licence that might be issued as a result of the application. For online applications, click 'Add New Department Client' to add more than one applicant.
- A24** This is the total number of applicants to be listed on the water access licence (include applicants listed on any additional pages). Not applicable for online applications.

SECTION B: Authorised contact person

B1-B12 Insert the name and contact details of the authorised contact person.

SECTION C: Water access licence tenancy

As a water access licence may be held by a number of persons, details of how the water access licence is to be divided are required.

- C1** Sole holders own 100 per cent of the water access licence and the water access licence becomes part of that person's estate once they die. Joint Tenants hold the water access licence in equal shares and on the death of any one of the Joint Tenants, title vests in the surviving Joint Tenant(s). Tenants in Common hold the water access licence in defined proportions, not necessarily equal, which may be dealt with independently of the shares of the other Tenant(s) in Common. If a Tenant in Common dies, that holding remains intact and passes to the beneficiary of the deceased's estate.
- C2** If the water access licence is to be held by Tenants in Common, specify the percentage of the water access licence to be held by each person, e.g. one person holds 25 per cent, while the other holds 75 per cent. The figures given must add up to 100 per cent.

SECTION D: Water access licence details

The share component of the water access licence is the number of shares in the available water within a water management area or from a water source to which the holders of the water access licence are entitled. The extraction component of the water access licence is the right to take water at specified times, at specified rates or in specified circumstances, or in any combination of these, and in specified areas or from specified locations.

You need to check the *Water Management (General) Regulation 2004* and the relevant water sharing plan to see whether an application for the specific purpose water access licence may be made. Both the Regulation and water sharing plans are available online in the 'Regulations' section of the NSW Legislation website www.legislation.nsw.gov.au

- D1** Specify the water source - this can be a surface or groundwater source, as described in the relevant water sharing plan. The current water sharing plans are available online in the 'Regulations' section of the NSW Legislation website at www.legislation.nsw.gov.au
- D2** If the water sharing plan is divided into zones, specify the zone that you wish to extract water from. If you don't know the zone, give a brief explanation of where you will extract from, eg on Lunts Creek, 100 m downstream of the junction of Lunts and Splitters Creeks.
- D3** Insert the category and subcategory of water access licence you wish to apply for. Refer to the information sheet, *Guide to water access licences and certificates*, for more information on specific purpose categories.
- D4** Provide details of the purpose for which the water access licence is sought.
- D5** Specify the volume of water you are requesting, expressed in megalitres per year (ML/year).
- D6** Provide details of how the volume applied for has been calculated.
- D7** Provide details of where the water is to be used.

SECTION E: Nominated works

- E1** Provide details of all water supply work approvals for all water supply works that are to be nominated on the new water access licence, as work(s) by means of which water credited to the water access licence may be taken. For approval(s) with more than one work, you are nominating all water supply works listed on the approval(s).
- E2** Provide the application number if you are currently applying for a water supply work approval for the water supply work/s to be nominated on the water access licence being applied for.

SECTION F: Declaration

Please ensure you understand your legal obligations before signing lodging this document. You may need to obtain independent legal advice for this.

- F1** Each of the water access licence applicants must fill in their name, followed by a signature and the date of signing.
- F2** If the applicant is a corporation, insert the name of the corporation.
- F3-F6** The application is to be signed for and on behalf of the applicant by two persons 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).

SECTION G: Declaration of approval holder(s)

- G1** The approval number is located at the top of the front page of the 'Statement of Approval'.
- G2** All the holders of the approval must include their name in block capitals, followed by a signature and the date of signing.
- G3** If the holder of the approval is a corporation, then insert the name of the corporation.
- G3-G7** The application is to be signed for and on behalf of the approval holder by two persons 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).

More information

Phone: 1300 662 077

Email: Customer.Helpdesk@waternsw.com.au

www.waternsw.com.au for information about water licencing and compliance.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (October 2017). However users are reminded of the need to ensure that the information upon which they rely on is up to date and to check currency with WaterNSW or with the user's independent adviser.

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