

Application to subdivide, or to subdivide and change a water access licence

This application form should be used to:

- subdivide a water access licence (WAL) under section 71P (1) (a) of the *Water Management Act 2000* (the Act)
- subdivide a WAL under section 71P (1) (a) of the Act and change one or more of the new WALs.

Subdivision means the cancellation of a WAL and creation of two or more new WALs. The ‘change’ to one or more new WALs may relate to any of the following:

- conversion to a new category/ subcategory of WAL (under section 71O of the Act);
- amendment of the share component of a WAL, to specify a different water source/ water management area (under section 71R of the Act);
- amendment of the extraction component of a WAL, to vary the times, rates or circumstances with respect to the taking of water under the WAL, or to vary the areas or locations (e.g. zone/ sub-zone) as the areas or locations from which water may be taken under the WAL (under section 71S of the Act);
- add or remove a nominated water supply work (also applicable to intrastate and inter-state tagging) (under section 71W of the Act).

If you wish to change a WAL without subdivision, use the application form *Application to change a water access licence*. If you intend to make any other types of changes to your WAL, you will need to complete a different application form.

Important note

Any subsequent transfer of subdivided licences, including transfer to a different combination of existing holders may have tax implications. You are encouraged to seek your own independent advice regarding any potential tax liability that may arise.

WAL holders are advised to read the guide to this form. Step-by-step instructions on each section are included in the guide, which also lists options for submitting this application and application fees. Information on fees is also available from the WaterNSW website www.waternsw.com.au.

You can either complete this form by typing in the PDF or writing using a black/blue ink pen using BLOCK letters.

OFFICE USE ONLY	Fee paid: \$	Customer receipt number:	Office Stamp
	Officer signature:	Date:	
	Application number:	Acceptance date:	

SECTION A: Water access licence (WAL) to be subdivided

A1 WAL number	A2 WAL share component	units/ML
	A3 Extraction Component	daily flow shares

SECTION B: Holder details

List all holders – photocopy and attach extra pages if necessary.

First holder

B1 Title (<i>Mr, Mrs, Ms</i>)	B2 Surname	B3 Given name(s)		
B4 Corporation name (<i>if applicable</i>)				
B5 ACN (<i>if applicable</i>)		B6 Position held (<i>if applicable</i>)		
B7 Address				
B8 Town	B9 State	B10 Postcode	B11 Country	
B12 Phone		B13 Alternate phone		
B14 Fax	B15 Email			

Second holder (if applicable)

B16 Title (<i>Mr, Mrs, Ms</i>)	B17 Surname	B18 Given name(s)		
B19 Corporation name (<i>if applicable</i>)				
B20 ACN (<i>if applicable</i>)		B21 Position held (<i>if applicable</i>)		
B22 Address				
B23 Town	B24 State	B25 Postcode	B26 Country	
B27 Phone		B28 Alternate phone		
B29 Fax	B30 Email			

B31 If more than two holders, specify total number of holders: _____

SECTION C: Authorised contact person (optional)

The person specified below is authorised to amend this application, clarify information in this application, or provide additional information to WaterNSW in relation to this application on behalf of all holders.

Nominating an authorised contact person is optional. However, if no contact person is authorised and WaterNSW requires further information in connection with this application, delays may occur as all the holders may be required to approve the additional or varied information.

c ₁ Title (<i>Mr, Mrs, Ms</i>)	c ₂ Surname	c ₃ Given name(s)	
c ₄ Address			
c ₅ Town	c ₆ State	c ₇ Postcode	c ₈ Country
c ₉ Phone		c ₁₀ Alternate phone	
c ₁₁ Fax	c ₁₂ Email		

SECTION D: Proposed subdivision of WAL

I/We apply to:

- D1 Divide the WAL evenly between D2 (number)_____new WALs. Or
- D3 Divide the WAL unequally, as shown below. If you require subdivision into more than three WALs, photocopy and attach extra page/s.

Division of WAL	New WAL 1	New WAL 2	New WAL 3
D ₄ Share components (units/ML)			
D ₅ Extraction component (daily flow shares)			
Division of water accounts	New WAL 1	New WAL 2	New WAL 3
D ₆ Current water allocation balance (%)			
D ₇ Carryover water allocation balance (%)			

Any new WALs issued will be of the same category and will specify the same water source and water management area; extraction component and nominated works as the cancelled WAL.

Complete Section E below if you wish to make changes to the new WALs.

SECTION E: Proposed changes to the new WAL(s)

Following the subdivision in Section D, the following changes are proposed to the new WALs. Leave blank where no change is proposed. If you require subdivision into more than three WALs, or to list more works, photocopy and attach extra page/s.

	New WAL 1	New WAL 2	New WAL 3
E1 Change category (s. 71O)* * See Notes to E1 below	Category	Category	Category
	Subcategory	Subcategory	Subcategory
E2 Change share component (s.71R)* * See Notes to E2 below	Water source/ Water management area	Water source/ Water management area	Water source/ Water management area
E3 Change extraction component (s. 71S) below >>>			

E3 Change extraction component (s.71S)* * See Notes to E3 below	Times, rates or circumstances	Times, rates or circumstances	Times, rates or circumstances
	Areas or locations (eg zone/ sub- zone)	Areas or locations (eg zone/ sub- zone)	Areas or locations (eg zone/ sub- zone)
E4 Add / remove nominated water supply work/s (s. 71W)* (Also applicable to intrastate and interstate tagging)	ADD a water supply work / group of water supply works		
	Same water management area / water source		
	1.	1.	1.
	2.	2.	2.
	NSW water tagging zone		
	1.	1.	1.
2.	2.	2.	

Interstate water tagging zone		
1.	1.	1.
2.	2.	2.
REMOVE a water supply work / group of water supply works		
Same water management area / water source		
1.	1.	1.
2.	2.	2.
NSW water tagging zone		
1.	1.	1.
2.	2.	2.
Interstate water tagging zone		
1.	1.	1.
2.	2.	2.

Notes to E1

This is to apply under section 71O of the Act for the cancellation of the WAL and the grant of one or more new WALs of the category or subcategory specified in E1 above.

Notes to E2

This is to apply under section 71R of the Act for the cancellation of the WAL and the grant of one or more new WALs with a share component specifying a different water source or water management area as specified in E2 above.

Notes to E3

This is to apply under section 71S of the Act to amend the extraction component of the WAL (this may be to vary the times, rates or circumstances with respect to the taking of water under the WAL, or to vary the areas or locations from which water may be taken under the WAL, which may include specifying a different zone or sub- zone), as specified in E3 above.

Notes to E4

This is to apply under section 71W of the Act to amend the WAL to:

- add the water supply work / group of water supply works specified in E4 above, as a work / group of works by means of which water allocations under the WAL may be taken; or
- remove the water supply work / group of water supply works specified in E4 above, as a work / group of works by means of which water allocations under the WAL may be taken.

In E4, insert the number of the water supply work approval/s for the water supply work/s to be added or removed. For approval/s with more than one water supply work, you will be adding or removing all water supply works that are listed on the approval.

For a water supply work/s which is located in an interstate water tagging zone, you need to:

- insert the State and the interstate licence number (eg Victoria – allocation bank account, South Australia – entitlement, Queensland – Development Permit); and
- attach the completed form/s, as required by the interstate agency (the 'State of Destination' forms), to this application. Please note that the State of Destination form/s comprise an essential component of this application. Note: Queensland does not require the completion of a 'State of Destination' form, however, the applicant must supply a copy of the current Development Permit and a Works/ Meter Verification Notice endorsed by the 'State of Destination'.

Important

Interstate water tagging protocols to the Murray Darling Basin Agreement provide that a WAL can only nominate one interstate water tagging zone. If a work in an interstate water tagging zone is added to the WAL, any works in another interstate water tagging zone will be removed from the WAL. This limitation does not apply in relation to interstate water tagging between New South Wales and Queensland.

SECTION F: Declaration

Photocopy and attach extra page if more than two WAL holders.

I/We, the undersigned holder/s, acknowledge and agree:

- a) that I/We apply to subdivide OR to subdivide and change the water access licences described in this application
- b) that 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 and that any such determination may be subject to conditions
- c) that the Crown in right of the State of New South Wales, including WaterNSW 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 I/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
- d) that all information contained in this application is accurate, true and complete and that the State will rely on such information

- e) that 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
- f) that details about any subdivision and or subdivision and change to a water access licence arising out of this application will be recorded in the publicly available Water Access Licence Register, pursuant to the *Water Management Act 2000*.

For applications made by individuals

F1 Name	Signature	Date
Name	Signature	Date

For applications made by a corporation: Executed for and on behalf of the holder 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)

F2 Name of corporation		
F3 Position of signatory		
F4 Name of signatory	Signature	Date
F5 Position of signatory		
F6 Name of signatory	Signature	Date

SECTION G: Declaration of NSW approval holder(s)

Note: This section concerns holders of NSW water supply work approvals only and only needs to be completed if:

- you are applying to amend the WAL specified in Section A above under section 71W of the Act to add or to remove a water supply work/ group of water supply works by means of which water allocations under the WAL may be taken
- each holder of the approval listed in Section E is not also a holder of the WAL listed in Section A. Photocopy and attach extra pages if there is more than one approval or more than two approval holders.

I/We, the undersigned, acknowledge and agree:

- a) that I/We are the holder(s) of the approval referred to at G1 below
- b) that I/We consent to the water supply work(s) listed in section E above, authorised by the approval listed in G1 below:

- i) being nominated as a work(s) by means of which water credited to the water access licence specified in Section A may be taken; or *(cross out if not applicable)*
 - ii) ceasing to be nominated as a work(s) by means of which water credited to the water access licence specified in Section A may be taken *(cross out if not applicable)*
- c) that all information contained in this application relating to the water supply work approval(s) is accurate, true and complete and that the Crown in right of the State of New South Wales, including WaterNSW and its officers, employees, agents and successors ('the State') will rely on such information
- d) that 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
- e) that details about the approval(s), may be recorded in the publicly available Water Access Licence Register, pursuant to the *Water Management Act 2000*.

G1 Approval no:

For NSW approvals held by individuals:

G2 Name	Signature	Date
Name	Signature	Date

For NSW approvals held by a corporation: Executed for and on behalf of the approval holder 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)

G3 Name of corporation		
G4 Position of signatory		
G5 Name of signatory	Signature	Date
G6 Position of signatory		
G7 Name of signatory	Signature	Date

Privacy note

The personal information you provide in this form will be treated in accordance with the Privacy and Personal Information Protection Act 1998, under which you have rights of access and correction. Your personal information will be used for assessing and processing your application or in connection with the operation of any WAL granted and may be disclosed to State or Commonwealth public authorities and other parties: (i) for any of the above mentioned purposes; or (ii) for research related purposes; or (iii) as required by law. If a WAL is granted, the *Water Management Act 2000* requires that various details relating to the WAL are to be recorded in the Water Access Licence Register kept by the Minister. Information recorded in the Water Access Licence Register is publicly available.

Offences and suspension or cancellation

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 a material particular in, or in connection with, this application. A corporation found guilty of an offence against section 344 is liable to a penalty not exceeding \$1.1 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$247,500.

A WAL may be suspended or cancelled, under section 78 of the *Water Management Act 2000*, if: (a) the holder of the licence has failed to comply with any term or condition to which the licence is subject, (b) the holder of the licence has been convicted of an offence against the Act or the regulations, (c) if any fees, charges or civil penalties in respect of the licence have not been paid, whether or not those fees, charges or civil penalties were incurred by the current holder of the licence, (d) the holder of the licence has failed to comply with any direction given to the holder under this Act in connection with the licence, or (e) the licence was granted as a result of false, misleading or materially inaccurate information supplied by or on behalf of the applicant.