

Extend your approval | **Multiple approval holders**

Guide to applying to extend your approval

What is a water supply work approval and a water use approval?

The *Water Management Act 2000* is a key piece of legislation for the management of water in NSW. The Act specifies some works and activities which have the potential to impact on land and water resources require authorisation by an approval. This requirement ensures potential impacts from these works and activities can be regulated and minimised through conditions on an approval.

- A **water supply work approval** authorises its holders to construct and use one or more water supply works, such as:
 - a water pump or bore to extract water, or
 - a dam to capture or store water, or
 - a channel to convey water.
- A **water use approval** authorises you to use water for a specified purpose, such as irrigation or commercial use, at a particular location.

To simplify water management for individual properties, a water supply work approval and water use approval may be issued together as a single “**combined approval**”.

Multiple approval holders

An approval can be held by one or more persons or organisations. This guide is about approvals which have **more than one holder**.

Multiple holders of the same approval are referred to as ‘**co-holders**’.

All of the co-holders of an approval are responsible for

- ensuring **compliance** with the terms and conditions of the approval, and
- making **decisions** about the approval.

What does your approval authorise?

You can access specific information about your approval on the **NSW Water Register**.

- Go to www.water.nsw.gov.au and click on *NSW Water Register* in the quick links
- Select “I want information about a particular water licence or approval (including conditions)”
- Select “Approval issued under the *Water Management Act 2000*”
- Enter your approval number

You can find your approval number at the top of your letter from WaterNSW about extending your approval.

Why does your approval need to be extended?

Approvals are granted for a limited time of up to 10 years and have an **expiry date**.

WaterNSW monitors the expiry date of approvals, and contacts the co-holders if their approval is due to expire soon.

If your approval is due to expire, you and your co-holders can apply to **extend the duration of your approval**. Approvals are generally extended for 10 years. The application fee is the same no matter how long the approval may be extended.

If you no longer require your approval, please contact us on **1300 662 077**.

What happens if your approval expires?

If your approval expires, you and your co-holders no longer have authorisation to use the water supply work/s, or to use water for the specified purpose.

It is an **offence** to

- use a water supply work without a water supply work approval, or
- use water without a water use approval.

There are substantial **penalties** for these offences under the *Water Management Act 2000*.

- The maximum penalty for individuals is \$247,500.
- The maximum penalty for corporations is \$1.1 million.

The expiry of an approval may have other consequences. For example, you will not be able to place a **water order** for a water access licence which nominates a water supply work with an expired approval.

Extending your approval

WaterNSW contacts co-holders before their approval is due to expire, and asks them to apply to extend their approval before its expiry date.

Joint application

All co-holders of an approval must make a **joint application**. You do not need to each make separate applications. The **application fee** is one payment of the required fee per joint application regardless of the number of co-holders.

Application process

For most joint applications, co-holders can apply to extend their approval **online** or using a **hard copy** application form. All co-holders should agree which application method to use.

For some joint applications, co-holders can only apply using a hard copy application form.

Your letter from WaterNSW about extending your approval specifies whether you can apply online or only using a hard copy application form.

If you can only apply using a hard copy application form, the form will be **enclosed** with your letter from WaterNSW about extending your approval. While every co-holder will receive a copy of the form, only **one form should be submitted** and **each co-holder must sign the form**.

If you can apply online but would prefer to use a hard copy application form, one co-holder should contact us on **1300 662 077** and ask for a hard copy application form to be **posted**.

How to apply - quick reference

Information about how to apply online or using the hard copy application form is provided on the **back page** of this guide in the **quick reference**.

Can you keep using the water supply work/s, or using water for the specified purpose?

If the joint application to extend your approval is lodged before the expiry date, your approval remains in force until WaterNSW decides whether to extend your approval. This means during the processing period you can continue to use the water supply work/s or using water for the purpose specified.

What if the approval holder has changed?

The co-holders of the approval should be the **property owner**, **lease holder** or **occupier** of the land where the water supply work/s are located or the water is used.

If the co-holders have changed our records need to be updated **before** an application can be made.

Please contact us on **1300 662 077** to update the co-holders of the approval.

What if your details have changed?

If your details have changed our records need to be updated **before** an application can be made.

Name has changed

If you are a co-holder of the approval but your name has changed please contact us on **1300 662 077** and ask to update your details.

Contact details have changed

If you are a co-holder of the approval but your contact details (e.g. postal address) have changed please contact us either online or by phone to update your details.



Online

- Go to www.waternsw.com.au >Customer Services >Water Licensing > Applications and Fees
- Download the application form *Change a customer's contact details form*
- Submit the completed application form by email or post – detailed instructions are provided in the application form.



Phone

- Phone our Customer Helpdesk on **1300 662 077** and ask to update your contact details.

Answering questions in the application

Whether you are applying to extend your approval online or using a hard copy application form, the questions in the application are the same.

What happens if the type, size or location of the water supply work/s has changed?

After you submit your application, WaterNSW will contact you about how to **apply to amend your approval** to reflect any changes.

If you construct and use a water supply work not in accordance with the terms and conditions of a water supply work approval, you may be committing an offence and penalties apply.

What happens if the purpose or location of the water use has changed?

After you submit your application, WaterNSW will contact you about how to **apply to amend your approval** to reflect any changes.

If you use water not in accordance with the terms and conditions of a water use approval, you may be committing an offence and penalties apply.

Declaration section for a company/corporation or organisation

For co-holders who are a company, corporation or organisation, the declaration section must be completed in accordance with section 127 of the Commonwealth *Corporations Act 2001*.

- For a **company** – the terms of the declaration must be accepted by two directors of the company, or a director and a company secretary

- For a **proprietary company** with a sole director who is also the sole company secretary – the terms of the declaration must be accepted by that director
- For **other types of organisations** - the terms of the declaration must be accepted by the duly authorised officer.

Can you apply to extend your approval after the expiry date?

Yes, a joint application to extend your approval may be submitted after the expiry date, however the application fee increases.

Can you keep using the water supply work/s, or using water for the specified purpose?

If your approval expires, you and your co-holders no longer have authorisation to use the water supply work/s, or to use water for the specified purpose.

If you lodge a joint application to extend your approval after the expiry date, then you and your co-holders can resume using the water supply work/s or using water for the purpose specified until your application is processed.

Can my application be refused?

WaterNSW will not accept your application in the following circumstances:

- the application form is not complete
- the application fee has not been paid
- if you are using a hard copy application form – the form has not been signed.

The *Water Management Act 2000* specifies that WaterNSW must refuse your application in the following circumstances:

- you have not certified that the particular purpose for which the approval was granted still exists
- you have not certified that the terms and conditions of the approval have been complied with
- for a water supply work approval, if the water supply work is not located on land owned by the approval holder unless one of the following exceptions apply:
 - you are likely to become the owner of the land on which the work is situated within a reasonable time
 - you have an easement over the land on which the work is located which authorises the use of the work for the benefit of your land
 - you are entitled to construct and use the water supply work under the *Water Management Act 2000* or under an agreement which applies to the land on which the work is located, such as a lease agreement.

What happens once your application is processed?

Once WaterNSW has processed the joint application, each co-holder will receive a letter describing whether the application has been granted or refused.

- If your application is **granted**, each co-holder will also receive a copy of the Approval showing the new expiry date.
- If your application is **refused**, you and your co-holders no longer have authorisation to use the water supply work/s, or to use water for the specified purpose. There is **no right of appeal** against a decision to refuse your application.

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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How to apply to extend your approval – quick reference

This page is a quick reference for the joint application process to extend an approval.



How to apply online

IMPORTANT: Some joint applications cannot be lodged online. Your letter from WaterNSW about applying to extend your approval specifies whether you can apply online.

1. Go to www.water.nsw.gov.au and click on *Water Applications Online* in the quick links.
2. One co-holder logs in to the online service, answer the application questions, and then read and accept the terms in the declaration section.
3. One-by-one, all other co-holders log in to the online service, check the answers to the application questions are correct, and then read and accept the terms in the declaration section.
4. Once step 2 is complete, one co-holder only pays the application fee in full by credit card using the online service – this can be the last co-holder to complete step 2 or another co-holder who logs back in.

How to log in

1. On the Water Applications Online homepage, select “Start new application”.
2. Read and agree with the terms of use.
3. Select “Extend an approval”.
4. Specify whether you are applying as a person or a company/corporation or organisation, and then enter your identification details:
 - For an individual, enter your **surname** only and the **personal application number** listed on your letter,
 - For an organisation, enter the **company/corporation or organisation’s name** and the **personal application number** listed on your letter.
5. Enter a valid email address, then verify that email address by clicking on a link in the confirmation email which is sent to that email address.

How to apply using a hard copy application form

IMPORTANT: Only **one form should be submitted** and **each co-holder must sign the form**.

1. Complete and sign your hard copy application form.
2. Submit your application form to us by post:
 - **Post** your application form to your local WaterNSW office – the postage address will be specified in the cover letter received with your form
3. Pay the application fee in full by either:
 - enclosing a cheque or money order made out to WaterNSW with the application form, *or*
 - providing credit card details at the end of the application form, *or*
 - providing credit card details by phone when contacted by your local WaterNSW office upon receipt of your application form.