

Guide to applying for a new water access licence with a specific purpose

This guide is provided to assist you in completing the application for a new water access licence with a specific purpose.

The application form must be completed in order to obtain a water use or water supply works approval under *Section 92 of the Water Management Act 2000* (WM Act).

This guide provides detailed explanations of each section and questions to help you fill in the application form. We recommend you read this carefully before completing the application form. However, if you require further assistance, email waterlicensing.servicedesk@dpie.nsw.gov.au.

What is a water access licence?

The State of New South Wales has the right to control the use and flow of all water in rivers, lakes and aquifers in NSW. The government does this through water sharing plans that cover all major water sources in the state.

In water sharing plan areas, water access licences permit the licence holder to take water allocations credited to the licence from a specified water source in accordance with the licence.

Water taken under a water access licence with a specific purpose can only be used for the specific purpose for which the licence was granted.

Do I need a water access licence?

You need a water access licence to take water from a water source that is subject to a water sharing plan, unless an exemption applies.

It is an offence to take water from a water source without a water access licence. It is also an offence to take water from a water source in a manner that does not comply with the terms and conditions of a water access licence.

What are the exemptions?

Landholders can take water under landholder rights without a water access licence in certain circumstances specified in the *Water Management Act 2000*.

Further exemptions are also specified in the Water Management (General) Regulation 2018.

For information about landholder rights, go to www.dpie.nsw.gov.au/water/licensing-and-trade > Basic landholder rights.

For information about exemptions, go to www.dpie.nsw.gov.au/water/licensing-and-trade > Licences > Water licensing and works approvals exemptions.

Obtaining a specific-purpose access licence

Any person can apply for a new specific-purpose access licence under section 61(1)(a) of the *Water Management Act 2000*.

You must make an application for a new specific-purpose access licence using the approved application form.

Responsibilities for processing and determining applications for new specific-purpose access licences are shared between the Department of Planning and Environment (the department) and WaterNSW.

Agencies determining applications for new specific-purpose access licences are bound by the rules of the *Water Management Act 2000*, the Water Management (General) Regulation 2018 and individual water sharing plans.

Some water sharing plans prohibit granting particular types of new specific-purpose access licences. All water sharing plans restrict the volume of entitlement that can be issued on new specific purpose access licences to the minimum required to meet the purpose for which the licence is sought.

How to use this guide

Use this guide to assist you in completing the application form for a *New zero share water access licence*.

The application forms have several parts (relating to the type of approval sought) and sections which are divided into a series of questions. In each section 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 information provided in the guide corresponds to these numbers in the application form.

Ensure you provide all the information requested in the application form. If your application form is incomplete, it will not be accepted. Note, we may contact you to request further information in relation to your application.

General instructions

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

Use BLOCK letters as they are easier to read.

If there is not enough space on the form for all your information, complete the answer on a separate sheet of paper and attach it to the application form (include a reference to the attachment in the application form).

Ensure that you fully complete the form as all the information is necessary to verify and process your application – it may be rejected if all the required information is not provided.

Do not write credit card details on this form – we will contact you for payment.

Sections in application form

Part 1 – Applicant details

Part 1 must be completed.

Section A: Payment of application fee

These are the details of the applicant(s) that will appear on your approval.

- A1-4 The name can be a person's name or the name of a legal entity, such as a company or corporation, that is either the owner or legal occupier of the land to which the application relates. If the application is made by a company or corporation do not answer A1-A3.
- A5 Insert the Australian Company Number (ACN) if the application is by a company. Note that an ABN (Australian Business Number) is not permitted.
- A6 Insert the position of the person/s who is/are making the application for and on behalf of the company or corporation. If the applicant is a company this would be either a company director or company secretary. If the applicant is a corporation this would be the duly authorised officer.
- A7-11 Insert the address of the applicant. For companies or corporations, insert the address details of the registered office.
- A12-14 Insert the contact details for the applicant.
- A15-28 More than one person can hold one water access licence. The form makes provision for two applicants to apply. If there are more than two applicants, photocopy/print multiple copies of the blank Section A, complete it and attach it to the form. Each applicant will be a holder of any water access licence that might be issued as a result of the application.
- A29 This is the total number of holders listed on the water access licence (include applicants listed on any additional pages).

Section B: Contact person for application

If there is only one applicant, you do not need to complete this section.

If there is more than one applicant, and this section has not been completed, we will assume that the first applicant on the form is the application contact and contact that person, if necessary, prior to the determination of the application.

An application contact is not legally delegated by the applicant/s to act on their behalf.

An application contact may be an applicant or a third party such as a solicitor, farm manager or water broker.

B1-11 Insert the name and contact details of the application contact. This will assist us should we need to contact someone to discuss the details of the application.

Part 2 – Water access licence details

Section C: Water access licence tenancy

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

- C1 **Sole holders** own 100% of the water access licence and the water access licence becomes part of that person's estate if 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%, while the other holds 75%. The figures given must add up to 100%.

Section D: Water access licence details

- D1 Specify the category and subcategory of water access licence you wish to apply for. You can choose from the options below:
- Domestic and stock:** Domestic and stock access licence (subcategory 'domestic'), for the purpose of domestic consumption.
- Utilities and town water supply:** For local councils, county councils and water supply authorities providing town water supplies:
- local water utility access licence (subcategory 'domestic and commercial'), for the purpose of domestic consumption and commercial activities. For other persons and entities providing town water supplies
 - unregulated river access licence (subcategory 'town water supply'), for the purpose of supply to communities for domestic consumption and commercial activities
 - regulated river (high security) access licence (subcategory 'town water supply'), for the purpose of supply to communities for domestic consumption and commercial activities
 - aquifer access licence (subcategory 'town water supply'), for the purpose of supply to communities for domestic consumption and commercial activities
- For major utilities:** major utility (Barnard) access licence
- Aboriginal cultural:** Any category of specific-purpose access licence (subcategory 'Aboriginal cultural'), for Aboriginal cultural purposes

Penrith Lakes Scheme: Penrith Lakes Scheme (initial fill of the lakes that form part of the scheme) access licence

Water sharing plan: Any category of specific-purpose access licence permitted by the relevant water sharing plan.

D2 Specify the water source from which you wish to take water under the licence. This can be a surface or groundwater source, as described in the relevant water sharing plan.

D3 If the water source is divided into zones by the water sharing plan, specify the zone from which you wish to take under the licence.

D4 Provide details of the circumstance in which the access licence is proposed to be used. This circumstance must be consistent with the category and/or subcategory of the licence specified in D1.
For access licences with the category 'local water utility' or subcategory 'town water supply', provide information on:

- customers to be supplied with water, including:
 - towns or communities to be supplied
 - number of connected properties
 - whether access standpipes will be provided for water carting
- whether the access licence is sought to address a short-term or longer-term requirement for water
- if access licence is seeking to address a short-term requirement for water:
 - the circumstances that have caused the short-term requirement, for example the usual source of water running dry, or compromised water quality such as from blue-green algae
 - details of management actions to preserve remaining water supplies such as implementation of a drought management plan including imposition of water restrictions
- expected demand for water by customers.

D5 Specify the volume of water you are requesting, expressed in megalitres per year (ML/year).

D6 Provide the details of how the volume applied for in D5 has been calculated.

For access licences with the category 'local water utility' or subcategory 'town water supply', the information listed below.

If the access licence is sought to address a short-term requirement for water, give:

- the volume required to meet expected demand for water by customers, taking into account
 - worst-case scenario for the circumstance that caused the short-term requirement

- any demand management measures in place, such as water restrictions.

If the access licence is sought to address a longer-term requirement for water, provide the:

- integrated water cycle management strategy in accordance with the February 2019 checklist (as may be updated from time to time). It is critical that this includes a demand analysis and secure yield analysis.

For access licences other than the category 'local water utility' or subcategory 'town water supply', provide information that demonstrates that the volume applied for is the minimum volume required for the purpose and circumstance in which the access licence is proposed to be used.

D7 Provide details of the location where the water is to be used.

You do not need to provide these details if the water is proposed to be taken under an access licence with the category 'local water utility' or the subcategory 'town water supply'.

Part 3 – Declaration and application fee

Section D: Declaration of applicant/s

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

Each applicant must provide their name, sign the completed form and write the date it was signed.

If the applicant is a company, 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). Select the position of the signatories, which can be a company director or company secretary.

If the applicant is a corporation, insert the name of the corporation, select the position of the signatory and ensure the application is signed by the duly authorised officer.

Section F: Payment of application fee

Specify how you would like to pay the application fee. An officer from the department will contact the nominated payee for payment.