



Natural Resources Access Regulator

Guide to the application form to amend a water supply work approval to specify the work is 'inactive'

industry.nsw.gov.au/nrar

Contents

Introduction	2
What is a water supply work approval?	2
Do I need an approval?	2
What are the exemptions?	2
What does it mean if the work is 'inactive'?	2
Why have an 'inactive' work?	2
Who can apply?	3
How to use this guide	3
Sections in application form	3
SECTION A: Applicant details	3
SECTION B: Contact person for application.....	4
SECTION C: Pre-application discussion	4
SECTION D: Approval details.....	4
SECTION E: Amendment details.....	5
SECTION F: Evidence that the work/s is incapable of taking water.....	5
SECTION G: Declaration of applicants.....	5
SECTION H: Payment of application.....	6

Introduction

What is a water supply work approval?

Water supply work approvals allow you to construct and use a work which takes water from a river, lake or aquifer. Examples of water supply works are water pumps, water bores, dams, weirs, irrigation channels, banks and levees.

Do I need an approval?

You need a water supply work approval to construct and use a water supply work unless an exemption applies.

It is an offence to construct and use a water supply work without an approval. It is also an offence to construct and use a water supply work in a manner which does not comply with the terms and conditions of an approval.

What are the exemptions?

For information about exemptions, go to www.industry.nsw.gov.au/water > Licensing & trade > Approvals > Water supply work and water use approvals.

What does it mean if the work is 'inactive'?

A water supply work approval may specify that the authorised work is 'inactive' if:

1. the work was constructed to take water from a surface water source, such as a river or lake, and
2. the work is not capable of taking water.

If a water supply work approval specifies that the authorised work is inactive, the approval will include a condition prohibiting the work from being used to take water.

It is an offence to use a water supply work to take water when it is prohibited by a condition of the approval.

Why have an 'inactive' work?

An approval holder may not be using an authorised water supply work to take water for a number of reasons, including:

- they have stopped (either permanently or temporarily) carrying out the activity which required water supplies
- they are taking water from a different water supply work
- the water supply work was never installed.

In this case the approval holder may choose to apply to amend their approval to specify that their work is 'inactive' so they do not need to comply with any mandatory condition on the approval that metering equipment be installed, used and properly maintained.

The approval holder can apply to withdraw this 'inactive' status at any time. If the work is no longer 'inactive' the approval holder will need to comply with any mandatory condition on the approval that metering equipment be installed, used and properly maintained.

Alternatively, approval holders who have permanently stopped using an authorised water supply work to take water may choose to decommission the work and surrender the approval. Once the approval is surrendered it will be cancelled and cannot be re-activated.

Who can apply?

An approval holder can apply for the amendment of their water supply work approval to specify that the work is 'inactive', or to withdraw that specification.

How to use this guide

Use this guide to assist you in completing the *Application form to amend a water supply work approval to specify the work is inactive*.

The application form has a number of sections. In each section are questions 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 this application form. If your application form is incomplete it will not be accepted.

We may contact you to request further information in relation to your application.

Sections in application form

SECTION A: Applicant details

In this section provide the details of the applicant/s for the 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.
- A5** Insert the Australian Company Number (ACN) if the application is by a company.
- 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.
- A12-15** Insert the contact details for the applicant.

- A16-23** There can be more than one holder of an approval. 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.
- A24** This is the total number of applicants listed on the application form and includes 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 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.

- B1-12** Insert the name and contact details of the application contact. This will assist us if we need to contact someone to discuss the details of the application.

SECTION C: Pre-application discussion

A pre-application discussion with an officer from the department may assist you to complete the application form.

SECTION D: Approval details

- D1** Specify the approval number of the approval you wish to amend.
You can find this number on your Statement of Approval. This number will contain the letters 'WA' or 'CA'.
- D2** Specify whether the approval authorises 1 water supply work only, or more than 1 work.
You can find the number of water supply works which are authorised by the approval in Schedule 2 of the Statement of Approval.
- D3** Does this application relate to all of the works authorised by the approval, or only some of the works?
For example, if the approval authorises two works, and your application is for these two works to be specified as inactive, then answer "all works authorised by the approval". On the other hand, if the approval authorises two works, and your application is for only one of these works to be specified as inactive, answer "some works authorised by the approval".
- D4** If this application only relates to some of the works authorised by the approval, you need to identify which work/s the application relates to. Identify the work/s by specifying the work number as listed in Schedule 2 of the Statement of Approval.

For example, if the approval authorises two works, and your application is for the second work to be specified as inactive, answer “Work 2”.

SECTION E: Amendment details

Select how you would like the approval to be amended. You can apply for the work to be specified as ‘inactive’, or you can apply to withdraw the inactive status from a work.

If your application to withdraw the inactive status from a work is granted, you will need to comply with any mandatory condition on the approval that metering equipment be installed, used and properly maintained.

SECTION F: Evidence that the work/s is incapable of taking water

You only need to complete Section F if you are applying to specify the work/s is inactive.

In this section, describe the evidence you are providing with your application to demonstrate that the work is incapable of taking water.

Examples of evidence include photographs showing that pipe between the pump and the water source is disconnected or pipes are sealed closed, the pump is removed, or the pump is disabled.

For example, describe that you are providing ‘Photograph 1’ as evidence, and specify:

- date and time when photograph 1 was taken
- what photograph 1 shows

For example: ‘The pump authorised by the approval is shown in the right hand side of the photograph. The pump was constructed to take water from the creek shown in the left hand side of the photograph. The photograph shows that there is no pipe between the pump and the creek.’

- why the work is incapable of taking water from the water source

For example: ‘The pipe between the pump and the creek has been disconnected and removed. This means the pump is not capable of taking water from the creek.’

We may refuse your application if:

- you do not provide any evidence with your application which demonstrates that the work is incapable of taking water from a water source, or
- the evidence you provide with your application does not clearly demonstrate that the work is incapable of taking water from a water source.

SECTION G: Declaration of applicants

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 when 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 H: Payment of application

Specify how you would like to pay the application fee.

Information about how to pay the application fee is provided in the fact sheet *How to complete and submit an application form*.