



Natural Resources Access Regulator

# Guide to the application form for a new or amended water supply work approval and/or water use approval

[industry.nsw.gov.au/nrar](http://industry.nsw.gov.au/nrar)

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# Introduction

## What is a water supply work approval and a water use 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.

Water use approvals allow you to use water on your land. Examples of water uses which require approval are irrigation, town water supply, power generation and mining.

Water supply work approvals and water use approvals may be granted at the same time and specified in a single approval document called a *combined approval*. This commonly occurs where applications for these approvals are made at the same time and relate to the same property.

## 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.

You need a water use approval to use water for a particular purpose at a particular location unless an exemption applies.

It is an offence to use water without an approval. It is also an offence to use water 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](http://www.industry.nsw.gov.au/water) > Licensing & trade > Approvals > Water supply work and water use approvals.

## Can my approval be amended?

You can apply to amend your water supply work approval and/or water use approval by altering, removing, adding or reducing any of the water supply works, uses or land specified in the approval.

## How to use this guide

Use this guide to assist you in completing the *Application form for a new or amended water supply work approval and/or water use approval*.

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

## PART 1 – Applicant details

Part 1 must be completed.

### 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: Land ownership of the works site and lands to be supplied**

Specify whether the application is made by the owners of the land or the lawful occupiers of the land.

If you do not own the land, but anticipate that you will own the land within a reasonable period of time of the date of application, attach an explanation of anticipated ownership together with documentary evidence.

**C1** An owner of land is any person with freehold title to land.

**C2** The term lawful occupation includes:

- an easement;
- a power arising under legislation; or
- an agreement or other legally binding permission with the owner (eg. a lease, a permissive occupancy or enclosure permit).

The agreement may be a specific authorisation or an appropriate clause in a general authority such as a lease.

You must attach a copy of the relevant documentation, which includes:

- a) a letter from the owner authorising your occupation of the land to which the approval would apply;
- b) evidence of an easement, a power arising under legislation or an agreement or other legally binding permission with the owner (eg. lease, a permissive occupancy or enclosure permit).

**C3** Other – this could be if you are applying as a major utility, irrigation corporation, private irrigation board, private drainage board or private water trust, or as permissive occupancy. All owners of the land or lawful occupiers, or their legal representative, must sign this application form.

## **SECTION D: Other approvals**

**D1-D3:** If your proposal has been granted consent from your local council, please provide the consent number in D3.

**D4-D6:** You may require a separate approval or a property vegetation plan under the *Native Vegetation Act 2003* if your proposal is for water use and involves clearing. If native vegetation clearing consent has also been granted, please provide the consent number. You do not need to fill in D4–D6 if your proposal only involves works.

## **SECTION E: Maps and plans**

A photocopy of a topographic map with hand-drawn property boundaries and features is acceptable.

## **SECTION F: Pre-application discussion**

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

## **PART 2 – Water use approval**

Complete Part 2 if you are applying for a new or amended water use approval.

## **SECTION H: Purpose**

**H3-H5** It is not necessary to hold a water access licence in order to apply for a water use approval. However, it is recommended that you check licence availability before making an application if you are in doubt.

## **SECTION I: Location of land where water will be used**

Provide the location of the water use approval and the river location to allow references to relevant planning policies that apply to the area.

If the proposal will be located on more than one property, please mark them all clearly on a map and provide property details such as lot number etc. for each.

## **SECTION L: Soils**

For complex or potentially high impact proposals, you may be required to provide a soil survey.

## **PART 3 – Water supply work approval**

Complete Part 3 if you are applying for a new or amended water supply work approval.

In some of the sections below, there are questions relating to rivers. 'River' is defined in the *Water Management Act 2000* to include:

- a) any water source, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and
- b) any tributary, branch or other watercourse into or from which a water course referred to in paragraph (a) flows, and
- c) anything declared by the regulations to be a river.

It is not necessary to hold a water access licence in order to apply for a water supply work approval. However, it is recommended that you check licence availability before making an application if you are in doubt.

## **SECTION N: Pump(s) – surface water only**

- N4** Do not use this application form to apply to specify that an authorised work is 'inactive'. There is a separate application form for this purpose.
- N8** If the proposal will be located on more than one property, or there is more than one work, please mark them all clearly on a map and provide property details such as lot number etc. for each.
- N10** For type of work, see list of works at the end of this guide.

## **SECTION O: Channel(s)**

- O8** See list of works at the end of this guide.
- O9** If the proposal will be located on more than one property, or there is more than one work, please mark them all clearly on a map and provide property details such as lot number etc. for each.

## **SECTION P: Extraction works – groundwater only**

- P8** See list of works at the end of this guide.
- P10** Specify the proposed size of the work by reference to its outer diameter, such as the outer diameter of the casing of a bore.
- P11** If the proposal will be located on more than one property, or there is more than one work, please mark them all clearly on a map and provide property details such as lot number etc. for each.
- P12-P17** We need to check that your proposed work will not extract from a river, damage a wetland, interfere with a neighbour's bore or extract contaminated groundwater.
- P22** The proposed work must be carried out by a licensed bore driller.

## **SECTION Q: Storage works – off river**

- Q9** See list of works at the end of this guide.
- Q11** If the proposal will be located on more than one property, or there is more than one work, please mark them all clearly on a map and provide property details such as lot number etc. for each.
- Q12** If the proposed work is to be on a floodplain, it may cause the redistribution of flood flows, which may have adverse environmental impacts and adversely affect surrounding landholders. We are required to assess these aspects and may require you to redesign your proposal to mitigate any potential impacts.

Q13 Refer to information on farm dams for a method of calculating storage capacity at <https://www.waternsw.com.au/>

## SECTION R: Storage works – in river storage only (e.g. weirs)

R9 See list of works at the end of this guide.

R11 If the proposal will be located on more than one property, or there is more than one work, please mark them all clearly on a map and provide property details such as lot number etc. for each.

R12 If the proposed work is to be on a floodplain, it may cause the redistribution of flood flows, which may have adverse environmental impacts and adversely affect surrounding landholders. We are required to assess these aspects and may require you to redesign your proposal to mitigate any potential impacts.

R13 Refer to information on farm dams for a method of calculating storage capacity at <https://www.waternsw.com.au/>

## PART 4 – Potential environmental impact of the water use or water supply works

Part 4 must be completed.

The information you provide will assist us to undertake an assessment of likely impacts of the water use approval/s, the water supply work approval/s, or both..

Depending on the size of your proposal land its potential impacts, you may also be required to provide:

- a Species Impact Statement (if your proposal has potential impacts on threatened species under the *Threatened Species Conservation Act 1995*);
- a surveyed plan showing the proposed layout, dimensions and construction details of the work/s; or
- Any other additional information about your proposal, as required.

If your proposed activity is a **water supply work** and it involves clearing of native vegetation, you do not have to get separate approval under the *Native Vegetation Act 2003*. You may, however, require a separate approval or a property vegetation plan under the *Native Vegetation Act 2003* if your proposed activity is water use and it involves clearing at the proposed site of the water use.

## PART 5 – Declaration and application fee

Part 5 must be completed.

## **SECTION T: 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 U: 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*.

# List of works

In each of the sections in Part 3 requires the 'Type of work' to be entered. Select from the 'type of work' listed under each of the work categories.

Type of work	Specific type	
<b>Diversion work – pump</b>	Axial flow	Pumping Plant
	Centrifugal	Pumping Station
	Mixed Flow	Stand by pump
	Force	Helical rotor
	Piston	Windmill
	Mono	Hydraulic ram
	Submersible	Spearpoints
<b>Diversion work – other</b>	Cutting	Regulator
	Channel	Water race
<b>Extraction works – groundwater</b>	Bore	Excavation
	Spearpoints	Artesian bore
	Well	Collector system
<b>Conveying works</b>	Channel – above ground	Pipeline
	Channel – below ground	
<b>Storage Works – off river</b>	Bywash dam	Recirculation storages
	Bywash dam and cutting	Groundwater storages (eg. tank, dam)
	Earthen dam and pipe spillway	
<b>Storage works – in river</b>	Block dam	Overshot dam
	Block dam and diversion pipe	Overshot dam and diversion pipe barrage
	Block dam and regulator	
	Block dam with training walls	Bywash dam
	Earthen dam and pipe spillway	Bywash dam and cutting
	Earth fill dam/ spillway/ radial gate and emergency spillway	Block dam with bywash
	Weir	
<b>Storage – runoff harvesting</b>	Bywash dam	Excavated tank
	Block dam with training walls	