



Natural Resources Access Regulator

Guide to the application form for a new water access licence with zero licence shares

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Introduction

What is a water access licence?

The State of NSW has the right to the control, use and flow of all water in rivers, lakes and aquifers in NSW.

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.

Do I need a water access licence?

You need a water access licence to take water from a water source which 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 which 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 regulation.

For information about exemptions, go to www.industry.nsw.gov.au/water > Licences > Types of licences > Water access licences.

How to use this guide

Use this guide to assist you in completing the *Application form for a new water access licence with zero licence shares*.

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

These are the details of the registered holder(s) that appear on the water access licence.

- A1-4** The name can be a person's name or the name of a legal entity, such as a corporation.
- A5** Insert the Australian Company Number (ACN) if it is a company application. 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 corporation.
- A7-11** Insert the address of the applicant/s. For corporations, insert the address details of the corporation's registered office.
- A16-30** More than one person can hold one water access licence. Downloaded forms make provision for two applicants. For more than two applicants, provide the information on additional pages and provide them with the application form. Each applicant will be a holder of any water access licence that might be issued as a result of the application.
- A31** 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.

- 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.

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.

SECTION C: Water access licence tenancy

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

- C1** **Sole holders** own 100 per cent 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 per cent, while the other holds 75 per cent. The figures given must add up to 100 per cent.

SECTION D: Water access licence details

- D3** Specify the category of water access licence you wish to apply for.
- D3** Specify the water source - this can be a surface or groundwater source, as described in the relevant water sharing plan. A water access licence with a zero share component must still specify the water management area or water source to which it relates.
- D2** If the water source is divided into zones, specify the zone that you wish to extract water from.

SECTION E: 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 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 F: Payment of application fee

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*.