

Guide to the application for a new water access licence pursuant to a right acquired following a controlled allocation order

Use this guide to assist you in completing the *Application for a new water access licence pursuant to a right acquired following a controlled allocation order* (application form).

How to apply

There are three ways to complete your application form:



Water Applications Online

Easy to use, interactive service that is available, along with some FAQs, at

www.water.nsw.gov.au > Water licensing > Applications and fees.

To apply online provide the required information in the online form. You must print the completed form and all applicants must sign it.

If you use the online service the application can be processed faster than those submitted by post. Applicants can also track the progress of their application using a unique log in. An iPhone app is available to track applications.



Electronic

Download and complete the application form in Microsoft Word

Print the completed form

The completed form must be signed by all applicants



By hand

Download and print the application form

Complete the printed application form by hand in capital letters with a blue or black pen

The completed form must be signed by all applicants

Need more space? If you need to provide more information in the application form than the spaces provided allow, complete the application form **by hand** and attach extra copies of the pages where extra space is required.

How to answer questions in the application form

The application form has a number of sections labelled A to F. Each section has questions, which are identifiable by a letter and 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 references in the application form.

Ensure that you provide all the information requested in this application form. If your application form is incomplete, the application may not be accepted.

The Department of Primary Industries – Water (DPI Water) may request further information in relation to your application.

WaterNSW customers

Where the applicant is a WaterNSW customer, this application will be transferred to and assessed by WaterNSW. In these circumstances, references to DPI Water in this form are to be read as references to WaterNSW.

How to submit the application form

You can submit the completed and signed application form by **email** or **post**.

Email



Scan and email your completed and signed application form to:

controlled.allocation@dpi.nsw.gov.au

A reply will be emailed to you confirming that your email has been received.



Post

Post your completed and signed application form to your local DPI Water office.

Contact details for your local DPI Water office are listed at:

www.water.nsw.gov.au > About us > Contact us > Water licensing enquiries

Application fee

DPI Water charges fees to cover the assessment and processing costs of applications for water access licences, including licences pursuant to a controlled allocation. Application fees are exempt from GST.

Information about fees for new water access licences is available at:

www.water.nsw.gov.au > Water licensing > Applications and fees > Application fees.

Posted and emailed applications will be required to pay the fee for hardcopy applications. Applications made online through Water Applications Online will be required to pay the fee for online applications.

Payment method

You can pay the application fee after you have submitted your application form.



Credit card

Pay the application fee by providing your credit card details either when completing the application form online or pay over the phone by requesting a call back when completing the Microsoft Word application form.



Cheque or money order

Pay the application fee by enclosing a cheque or money order when posting your application form. The cheque or money order must be made out to 'NSW Department of Primary Industries, Water'.

More information

Find out more about water access licences pursuant to a right acquired following a controlled allocation order at

www.water.nsw.gov.au > Water licensing > About licences > Water access licences.

Find out more about water licensing and compliance at www.water.nsw.gov.au.

Need help?

We're happy to help you with completing and submitting an application.

Contact details for your local DPI Water office are listed at:

www.water.nsw.gov.au > About us > Contact us > Water licensing enquiries

Other authorisation requirements

A water access licence does not permit the use of water for a particular purpose nor does it permit the holder to construct or use a water supply work. Those rights are conferred by a water use approval and a water supply work approval, respectively.

If a water access licence is granted a water supply work or extraction point must be nominated on the licence through a dealing with WaterNSW. Further approvals may also need to be obtained before accessing and using the water.

Find out how compliance with water management laws applies to you at

www.water.nsw.gov.au > Water licensing > Compliance > Regulated activities, offences and penalties.

Register a dealing with Land and Property Information

If the Minister grants consent to this dealing it does not take effect until it has been registered in the Water Access Licence Register which is administered by Land and Property Information (LPI).

DPI Water will provide a set of documents, including a Notice of Determination and a Notification form, to the applicant. The applicant is responsible for taking these documents to LPI and registering the dealing.

The WAL Certificate and the consents of any security interest holders must also be provided to LPI for registration. The applicant must lodge the forms with LPI within six months of the date when DPI Water granted consent, otherwise the consent to the dealing will be revoked.

LPI charges fees to register Water Access Licence dealings on the WAL Register.

Contact LPI on 1300 052 637 or go to www.lpi.nsw.gov.au for more information on registering a dealing with LPI.

Answering questions in the application form

SECTION A: Applicants

Section A identifies the applicants, the applicant(s) that will appear on the water access licence who must be the same applicants that submitted the registration of interest form.

A1-4	The name can be a person's name or the name of a legal entity, such as a company or corporation.
A5	Insert the Australian Company Number (ACN) if the applicant is 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.
A16-30	There can be more than one holder of a WAL. The form makes provision for two holders to apply. If there are more than two licence holders photocopy/print multiple copies of the form so that all licence holders can apply. Each applicant will be a holder of any WAL that might be issued as a result of this application.
A31	This is the total number of applicants to be listed on the WAL (include all applicants listed on copies of the form). Note: this question only needs to be completed if there are more than two applicants.

SECTION B: Application contact person (optional)

The role of the application contact person is to assist DPI Water in processing this application. DPI Water may contact the application contact person to discuss the details contained in this application or to request additional information about this application.

Changes to any details of an application must be in writing, and signed and dated by all applicants who are providing consent to this application.

Do I need to complete this section?

You do not need to complete Section B if:

- there is only one applicant, or
- you would like the first applicant listed in Section A to be the application contact person.

Complete Section B if you would like to nominate an application contact person other than the first applicant listed in Section B. The application contact person may be another applicant or a third party such as a solicitor, farm manager or water broker.

SECTION C: Controlled allocation details

A controlled allocation order declares that the right to apply for a water access licence for a specified water management area or water source is to be acquired by auction, tender or other means as specified in the order. When an applicant has paid the total purchase price for the right to apply, DPI Water will issue a Reference Number to the applicant. These details are requested again for confirmation purposes.

C1	Enter your Reference Number.
C2	Enter the name of the water source or hand fill in capital letters.
C3	Some water sources have management restrictions on certain zones within the water source. If this is applicable, enter the name of the management zone or hand fill in capital letters. If this is not applicable, you can leave this blank or write 'N/A'.
C4	Enter the number of unit shares you have the right to apply for. This must be a whole number – no decimals.

SECTION D: Water Access Licence tenancy

A water access licence may be held by a number of persons (listed in section A). This section requires you to provide details of how the licence is to be held.

D1	<p>Select the correct option:</p> <ul style="list-style-type: none">• A sole holder owns 100 per cent of the water access licence and the water access licence becomes part of that person's estate when they die.• Joint tenants hold the water access licence in equal shares. In the event of the death of any one of the joint tenants, title then vests in the survivor(s). <p>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. In the event of the death of a tenant in common that holding remains intact and passes to the beneficiary of the deceased's estate.</p>
D2-D3	If the water access licence is to be held by tenants in common specify the fraction of the licence to be held by each applicant. For example, a licence that has one tenant holding $\frac{1}{4}$, with another tenant holding the remaining $\frac{3}{4}$ of the licence. The sum of the fractions of the licence held by tenants in common must be one.

SECTION E: Declaration of applicant(s)

Declaration of applicants

The applicant/s are as specified in Section A of the application form.

Each applicant must agree to the declaration on page 3 of the application form, provide their name and contact details, sign the completed application form and write the date when it was signed.

Ensure you understand your legal obligations before signing the application form. You may need to obtain independent legal advice.

For applications made by individuals:

E1-E3 Insert your name, signature and the date

For applications made by corporations:

E8- E17 Insert the position of the person/s who is signing the application form for and on behalf of the company or corporation.

- For a company, the application form must be signed by two directors of the company, or a director and company secretary in accordance with section 127 of the *Corporations Act 2001*
- For a proprietary company with a sole director who is also the sole company secretary, the application form must be signed by that director
- For other types of organisations, the application form must be signed by the duly authorised officer.

SECTION F: Payment of application fee

F1 • Check this box if you wish to receive a call back from a DPI Water officer on the phone number you have provided to pay the application fee by credit card over the phone.

Posted and emailed applications will be required to pay the fee for hardcopy applications. Applications made online through Water Applications Online will be required to pay the fee for online applications.

For the current application fee go to

www.water.nsw.gov.au > Water licensing > Applications and fees.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2017). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

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