



Natural Resources Access Regulator

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

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Introduction

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.

Exemptions

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

For information about landholder rights, go to industry.nsw.gov.au/water/licensing-trade/landholder-rights

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

For information about exemptions, go to industry.nsw.gov.au/water/licensing-trade/licences/types/water-access

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. Refer to the fact sheet *How to complete and submit an application form*, found at industry.nsw.gov.au/water/licensing-trade/licences/applications-fees for more information.

Responsibilities for processing and determining applications for new specific-purpose access licences are shared between the Natural Resources Access Regulator (NRAR) within the Department of Planning, Industry and Environment, 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.

Using this guide

Use this guide to help you complete the application form for a new water access licence with a specific purpose.

This guide has five parts:

- how to fill in the form
- how to submit the form
- how to pay the application fee
- sections in the application form
- getting it right—providing information for assessment.

How to fill in the form

Download the new water access licence with a specific purpose application form from industry.nsw.gov.au/water/licensing-trade/licences/applications-fees

You can choose to apply and pay online or complete and return the application form manually.

There are two options for completing the application form. You can choose to complete the form electronically before printing, or by hand after printing.

1. Electronically before printing:
 - a. download and complete the electronic application form
 - b. print the completed form
 - c. all applicants must sign the completed form
 - d. scan and save the application in PDF format.
2. By hand after printing
 - a. download and print the application form
 - b. complete the printed application form by hand in capital letters with a blue/black pen
 - c. all applicants must sign the completed form
 - d. scan and save the application form in PDF format.

How to submit the form

All applications should be lodged by email to nrar.servicedesk@industry.nsw.gov.au

The email is to include:

- subject title: WAL specific purpose application – address
- short email applying for a water access licence with a specific purpose, including your contact details
- scanned PDF of your completed and signed application form

If you do not have email access, post the completed and signed application form and supporting documents to:

Natural Resources Access Regulator

Locked Bag 5123 PARRAMATTA NSW 2124

How to pay the application fee

For information about application fees for a new water access licence, go to industry.nsw.gov.au/water/licensing-trade/licences/applications-fees

Fee amount

You can pay a standard application fee at the time you submit your application form, or pay the fee that has been previously advised by an NRAR assessing officer. You need to pay the application fee before your application can be assessed.

Payment options

Pay by credit card:

- After you have submitted your application form and completed Section A, we will call you to take payment over the phone.
- Do not write your credit card details in your application form or any other correspondence you send to us. This is a security risk if your correspondence is seized by someone else on its way to us.

Pay by cheque:

- Post a cheque made out to 'Natural Resources Access Regulator' to:

Natural Resources Access Regulator Water Regulation
Receipting Officer Locked Bag 5123
PARRAMATTA NSW 2124

- Include a hard copy of your application email and application form.

Ensure you provide your name and contact details.

Completing the application form

In each section of the application form, 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.

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

Section A: Payment of application fee

- A1** Specify the proposed method of payment. The application fee can be paid by credit card or cheque (direct deposit is not currently available).
- A2–6** Specify the name and contact details for the person or company making payment of the application fee. Further information about how to pay the application fee is included in the *How to pay the application fee* section of this guide.

Section B: Applicant details

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

- B1–7** Specify the name of the person(s) applying for the water access licence for a specific purpose. Name can be a person's name or a legal entity such as a corporation.
- If the application is being made by a company, you must provide the Australian Company Number (ACN). Note that an ABN (Australian Business Number) is not permitted.
- B8–15** Give the address and other contact details for the person(s) applying for the water access licence for a specific purpose.
- If the application is being made by a company, you must provide the **registered** business address.
- B16** This applies only if there is a second (or more than one) applicant. You must supply details of all additional applicants or the application may be rejected. If the space provided is insufficient, photocopy or print multiple copies of this page.
- B17** If there are more than two applicants, specify the total number of applicants.

Section C: Contact person for application

You only need to complete this section if a person other than the applicant or owner will be dealing with the application.

- C1–3** Provide the name of the agent or contact person appointed by the applicant to deal with the controlled activity approval application.
- C4-10** Give the complete details—address, contact details—of the contact person(s).

Section D: 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.

- D1** **Sole holders** own 100% of the water access licence. The water access licence becomes part of that person's estate if they die.
- Joint tenants** hold the water access licence in equal shares. 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 define 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, their holding in the water access licence passes to the beneficiary of the deceased's estate.
- D2-3** If the water access licence will 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 E: Water access licence details

- E1** 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

- E2** 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.
- E3** 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.
- E4** 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 E1.

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.

E5 Specify the volume of water you are requesting, expressed in megalitres per year (ML/year).

E6 Provide the details of how the volume applied for in E5 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 they 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.

E7 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'.

Section F: 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 on which 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* (Cwth). 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.