



Application for a new water access licence pursuant to a controlled allocation order

Application under section 61 (1) (c) of the *Water Management Act 2000*

Applicants are advised to read the instructions carefully before filling in this form. Step by step instructions on each section are included in the attached guide.

This form can be completed as a Word document or printed and completed by hand. If completing the form in handwriting, please use a black/blue ink pen and use BLOCK letters.

SECTION A: Applicant details

Please list all applicants - photocopy and attach extra pages if necessary

First applicant

A1 Title (<i>Mr, Mrs, Ms</i>)	A2 Surname	A3 Given name(s)	
A4 Corporation name (<i>if applicable</i>)			
A5 ACN (<i>if applicable</i>)		A6 Position held (<i>if applicable</i>)	
A7 Address			
A8 Town	A9 State	A10 Postcode	A11 Country
A12 Phone no.		A13 Alternate phone no.	
A14 Fax no.	A15 Email		

Second applicant (If applicable)

A16 Title (<i>Mr, Mrs, Ms</i>)	A17 Surname	A18 Given name(s)	
A19 Address			
A20 Town	A21 State	A22 Postcode	A23 Country

A24 If more than two applicants, specify total number of applicants:

SECTION A1: Controlled allocation order

Insert details of the controlled allocation order (under section 65 of the *Water Management Act 2000*) pursuant to which this application is being made.

A1-1 Date of publication in NSW Government Gazette	A1-2 Page number of NSW Government Gazette
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OR tick the box below if you are attaching a copy of the controlled allocation order to this application.

A1-3 Controlled allocation order attached?
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Office use only	Fee paid: \$	Customer receipt number:	Office Stamp
	Officer signature:	Date:	
	Application number:	Acceptance date:	

SECTION B: Nominate a contact person

Nominate a contact person for enquiries relating to this application.

B1 Title (<i>Mr, Mrs, Ms</i>)	B2 Surname	B3 Given name(s)	
B4 Corporation name (<i>if applicable</i>)			
B5 ACN (<i>if applicable</i>)		B6 Position held (<i>if applicable</i>)	
B7 Address			
B8 Town	B9 State	B10 Postcode	B11 Country
B12 Phone no.		B13 Alternate phone no.	
B14 Fax no.	B15 Email		

SECTION C: Water access licence tenancy

Please tick appropriate box - relates to applicants listed in Section A

C1 Licence to be held by: Sole holder Joint tenants Tenants in common*

*If the access licence is to be held by tenants in common, please specify details:

C2 Name	to hold	% of licence
Name	to hold	% of licence

For more than two applicants, include details on attached pages.

SECTION D: Water access licence details

Please nominate the category of water access licence that you require

D1 Category [Sub-category]

Please provide the details where you wish to extract water from, and the unit share component:

D2 Water source	
D3 Zone	D4 Unit Share requested

SECTION E: Nominated works (*Optional*)

Please provide the details of all water supply works approvals for all water supply works that are to be nominated on the new water access licence, as a work by means of which water credited to the water access licence may be taken. Note: you are nominating all water supply works specified on the approval(s) entered below.

Photocopy and attach extra pages if more than two water supply work approvals are to be nominated.

E1 Approval no: 1.	Approval no: 2.
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or

E2 <input type="checkbox"/> I am applying for a water works approval (application number)	in conjunction with this application.
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Note: The consent of each approval holder (E1), or of each applicant for an approval (E2), must be attached if those persons are not applicants for this new water access licence.**SECTION F: Declaration**

Photocopy and attach extra pages if more than two applicants

I/We, the undersigned applicants, acknowledge and agree:

- (a) that I/We apply for a water access licence as described in this application;
- (b) that all information contained in this application is accurate, true and complete and that the State will rely on such information;
- (c) that this application will be determined in accordance with the *Water Management Act 2000* and any associated regulations or guidelines as in force from time to time, and that no right or entitlement shall arise pending determination of this application and that any such determination may be subject to conditions;

- (d) that the Crown in right of the State of New South Wales, including the Department of Water and Energy and its officers, employees, agents and successors (“the State”), accepts no liability in relation to any action, proceeding, claim, demand, cost, loss, damage or expense (including reasonable legal costs or expenses) arising directly or indirectly as a result of or in connection with this application or any act or omission of the State in connection with this application;
- (e) to release and indemnify the State from and against any such action, proceeding, claim, demand, cost, loss, damage or expense to the fullest extent permitted by law;
- (f) that I/We have obtained all necessary legal, financial and technical advice in connection with this application and that the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently.; and
- (g) that details about any water access licence arising out of this application will be recorded in the publicly available Water Access Licence Register, pursuant to the *Water Management Act 2000*.

For applications made by individuals:

F1 Name	Signature	Date
Name	Signature	Date

For applications made by a corporation: Executed for and on behalf of the applicant in accordance with section 127 of the Corporations Act 2001 Cth (if a company) or by its duly authorised officer (for other types of corporation):

G2 Name of corporation		
G3 Position of signatory		
G4 Name of signatory	Signature	Date
G3 Position of signatory		
G4 Name of signatory	Signature	Date

SECTION G: Declaration of approval holder(s)

Photocopy and attach extra pages if there is more than one approval or more than two approval holders.

Note: This section (Section G) should only be filled in if each holder of an approval listed in Section E is not listed as an applicant in this application. If this does not apply insert “N/A” (not applicable) at G1 below.

I/ We, the undersigned, acknowledge and agree:

- (a) that I/We are the holder(s) of the water supply work approval referred to at G1 below;
- (b) that I/We consent to the water supply work(s) listed in section E above, authorised by the water supply work approval listed in G1 below, being nominated on the water access licence being applied for in this application, as a work by means of which water credited to the water access licence may be taken;
- (c) that all information contained in this application relating to the water supply work approval(s) is accurate, true and complete and that the that the Crown in right of the State of New South Wales, including the Department of Water and Energy and its officers, employees, agents and successors (“the State”) will rely on such information;
- (d) that I/We have obtained all necessary legal, financial and technical advice in connection with this application and that the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently; and
- (e) that details about the water supply work approval(s) may be recorded in the publicly available Water Access Licence Register, pursuant to the *Water Management Act 2000*.

G1 Approval number:

For approvals held by individuals:

G2 Name	Signature	Date
Name	Signature	Date

For approvals held by a corporation: Executed for and on behalf of the approval holder in accordance with section 127 of the Corporations Act 2001 Cth (if a company) or by its duly authorised officer (for other types of corporation):

G2 Name of corporation
G3 Position of signatory

G4 Name of signatory	Signature	Date
G3 Position of signatory		
G4 Name of signatory	Signature	Date

It is an offence, under the *Water Management Act 2000*, to provide false or misleading information in, or in connection with, this application.

A water access licence may be cancelled or suspended if you are convicted of an offence under the *Water Management Act 2000*.

Submit your completed form to a Department of Water and Energy office. Enclose a cheque for the application fee. Information on fees is available from the Department of Water and Energy website or from a Department of Water and Energy office.

Privacy Note: The personal information you provide in this form will be treated in accordance with the *Privacy and Personal Information Protection Act 1998*, under which you have rights of access and correction. Your personal information will be used for assessing and processing your application or in connection with the operation of any water access licence granted and may be disclosed to State or Commonwealth public authorities and other parties: (i) for any of the above mentioned purposes; or (ii) for research related purposes; or (iii) as required by law. If a water access licence is granted, the *Water Management Act 2000* requires that various details relating to the water access licence are to be recorded in the Water Access Licence Register kept by the Minister. Information recorded in the Water Access Licence Register is publicly available.



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

Application under section 61 (1) (c) of the *Water Management Act 2000*

Introduction

This guide is provided to assist you in completing the *Application for a new water access licence pursuant to a controlled allocation order*.

A water access licence (WAL) entitles its holder to specified shares in the available water within a specified water management area or from a specified water source (the share component), and to take water at specified times, at specified rates or in specified circumstances, or in any combination of these, and in specified areas or from specified locations (the extraction component).

The website www.dwe.nsw.gov.au provides more information on water access licences.

This application is for a new WAL, pursuant to a controlled allocation order made under section 65 of the *Water Management Act 2000*. A controlled allocation order declares that the right to apply for a WAL for a specified water management area or water source is to be acquired by auction, tender or other means as specified in the order.

The website www.dwe.nsw.gov.au provides more information on water licences.

This application covers only the application for a new WAL, pursuant to a controlled allocation order. If you intend to make changes to an existing licence, or transfer an existing licence, you will need to complete different application forms.

Important: A WAL 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 works approval, respectively.

About these guidelines

This application form comprises sections A-G, which are divided into a series of questions. The questions are identified by a number on the left hand side of the page, for example, B4, which is question 4 in section B. We recommend you read this carefully before completing the application form. If you require further assistance, please contact your local Department of Water and Energy water licensing officer.

General instructions

To make sure that your application is processed efficiently please note these general instructions:

- If completing the form in handwriting, please use a black/blue ink pen and use BLOCK letters;
- If there is not enough space on the form for all your information, complete the answer on a separate sheet of paper and attach it to application form (remember to include this page when numbering your pages);
- Ensure that you fully complete the form, as all the information is necessary to verify and process your application – your application may be rejected if all the required information is not provided.

SECTION A: Applicant details

These are the details of the registered holder(s) that will appear on the WAL.

A1-4: The name can be a person's name or the name of a legal entity, such as a corporation. Trading names are not permitted. If the water access licence is to be registered in the names of more than one person, provide the names in the spaces provided. For more than two applicants, provide the additional information on a separate sheet of paper and attach it to the application form.

A5: Insert the Australian Company Number (ACN) if it is a application by a corporation. 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 usual address of the applicant. If a corporation is applying, insert the address details of the corporation's registered office..

A16-23: More than one person can hold one WAL. This form makes provision for 2 applicants. For more than two applicants, provide the information on additional pages and attach to the application form. Each applicant will be a holder of any WAL that might be issued as a result of this application.

A24: This is the total number of applicants to be listed on the WAL (include applicants listed on any additional pages).

SECTION A1: Controlled allocation order

A controlled allocation order declares that the right to apply for a WAL for a specified water management area or water source is to be acquired by auction, tender or other means as specified in the order.

You need to either specify details of the controlled allocation order made (**A1-1 – A1-2**) or attach a copy of the order to this application (**A1-3**).

A1-1 - A1-2: Insert details of the controlled allocation order, made under section 65 of the *Water Management Act 2000*, pursuant to which this application is being made. The details required are the details of publication of the order in the NSW Government Gazette.

A1-3: Alternatively, tick the box to indicate that you are attaching a copy of the relevant controlled allocation order to this application.

SECTION B: Contact details

In this section, nominate contact details for correspondence in relation to this application.

If more than one applicant is applying for the WAL, nominate one contact person for correspondence and specify his/her contact details in this section.

If a corporation's contact details are provided, fill in the details of a contact person at the corporation to whom all correspondence should be addressed. B4 to B6 only apply to corporations.

B4: Insert the name of the corporation.

B5: Insert ACN of the corporation.

B6: Indicate what position the nominated contact holds in the corporation.

B1 – B3 and B7-11: Insert the name and address details of the nominated contact.

SECTION C: Water access licence tenancy

As a WAL may be held by a number of persons (listed in section A), details of how the WAL is to be divided are required.

C1: Tick the relevant box. Sole holders own 100% of the WAL and the WAL becomes part of that person's estate once they die. Joint Tenants hold the WAL in equal shares and on the death of any one of the Joint Tenants, title vests in the survivor(s). Tenants in Common hold the WAL 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 WAL is to be held by Tenants in Common, specify the percentage of the WAL to be held by each person, eg one person holds 25%, while the other holds 75%. The figures given must add up to 100%.

SECTION D: Water access licence details

The share component of the WAL is the number of shares in the available water within a water management area or from a water source to which the holders of the WAL are entitled.

The extraction component of the WAL is the right to take water at specified times, at specified rates or in specified circumstances, or in any combination of these, and in specified areas or from specified locations.

D1: Insert the category of WAL you wish to apply for.

D2: Specify the water source - this can be a surface or groundwater source, as described in the relevant water sharing plan.

D3: If the water sharing plan is divided into zones, please specify the zone that you wish to extract water from. If you don't know the zone, give a brief explanation of where you will extract from, eg on Lunts Creek, 100 m downstream of the junction of Lunts and Splitters Creeks.

D4: The unit share you require for extraction under this WAL.

SECTION E: Nominated works

E1: Provide details of all water supply works approvals for all water supply works that are to be nominated on the new WAL, as a work by means of which water credited to the WAL may be taken. Note: For approval(s) with more than one work, you are nominating all water supply works on the approval(s).

E2: Provide the application number if you are currently applying for a water supply work approval for the water supply work/s to be nominated on the WAL being applied for.

SECTION F: Declaration

Please ensure you understand your legal obligations before signing this document. You may need to obtain independent legal advice for this.

F1: Each of the WAL applicants must fill in their name, followed by a signature and the date of signing.

F2: If the applicant is a corporation, insert the name of the corporation.

F3 – F4: The application is to be signed for and on behalf of the applicant in accordance with section 127 of the *Corporations Act 2001 Cth* (if a company) or by its duly authorised officer (for other types of corporation).

SECTION G: Declaration of approval holder(s)

The written consent of each holder(s) of a water supply work approval(s) that is nominated in relation to this application is required, if the holder is not an applicant to this application.

G1: The approval number is located at the top of the front page of the 'Statement of Approval'.

G2: All the holders of the approval must include their name in block capitals, followed by a signature and the date of signing.

G3: If the holder of the approval is a corporation, then insert the name of the corporation.

G3 – G4: The application is to be signed for and on behalf of the approval holder in accordance with section 127 of the *Corporations Act 2001 Cth* (if a company) or by its duly authorised officer (for other types of corporation).

Submitting your application

This application must be lodged at a Department of Water and Energy office, enclosing a cheque (for the Department of Water and Energy application fee only). A schedule of fees is available from www.dwe.nsw.gov.au. Alternatively, contact a water licensing officer at the Department of Water and Energy.

If this application form is incomplete, the application process may be delayed or the application may be refused. Further information may be requested in relation to this application. If the submitted application is complete, it will be registered and the fee processed.

It is an offence, under the *Water Management Act 2000*, to provide false or misleading information in, or in connection with, this application.

For more information

Department of Water and Energy

Contact the water licensing enquiries telephone information line: 1800 353 104

www.dwe.nsw.gov.au