

# New water access licence with zero licence shares

Use this guide to assist with completing the application form for a new water access licence with zero licence shares.

---

## 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 Water Management (General) Regulation 2018.

For information about exemptions, go to [www.dpie.nsw.gov.au/water/licensing-and-trade](http://www.dpie.nsw.gov.au/water/licensing-and-trade) > Licences > Water licensing and works approvals exemptions.

---

## 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 forms have several parts. In each section the 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. Note, we may contact you to request further information in relation to your application.

## General instructions

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

Use BLOCK letters as they are easier to read.

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 the application form (include a reference to the attachment in the application form).

Ensure that you fully complete the form as all the information is necessary to verify and process your application – it may be rejected if all the required information is not provided.

Do not write credit card details on this form – we will contact you for payment.

---

## Sections in application form

### Part 1 – Applicant details

Part 1 must be completed.

#### 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 company or corporation, that is either the owner or legal occupier of the land to which the application relates. If the application is made by a company or corporation do not answer A1-A3.
- A5 Insert the Australian Company Number (ACN) if the application is by a company. 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 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.
- A12-14 Insert the contact details for the applicant.
  - A15-28 More than one person can hold one water access licence. 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. Each applicant will be a holder of any water access licence that might be issued as a result of the application.

A29 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.

If there is more than one applicant, and this section has not been completed, we will assume that 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.

B1-11 Insert the name and contact details of the application contact. This will assist us should we need to contact someone to discuss the details of the application.

## Part 2 – Water access licence details

### 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% 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%, while the other holds 75%. The figures given must add up to 100%.

### Section D: Water access licence details

- D1 Specify the category of water access licence 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. A water access licence with a zero-share component must still specify the water management area or water source to which it relates.
- D3 If the water source is divided into zones, specify the zone that you wish to extract water from.

## Part 3 – Declaration and application fee

### 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 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. An officer from the department will contact the nominated payee for payment.