

# Amended water supply work approval – Inactive works

Use this guide to assist with completing the application form to amend a water supply work approval to specify the work is inactive or withdraw the work's inactive status.

## What is a water supply work approval?

1. Water supply work approvals allow you to construct and use a work which takes water from a river, lake or aquifer. Examples of water supply works are water pumps, water bores, dams, weirs, irrigation channels, banks and levees.
2. A water supply work approval may specify that the work is 'inactive' if the work:
  - was constructed to take water from a surface water source, such as a river or lake, and
  - the work is not capable of taking water.

## Do I need an approval?

You need a water supply work approval to construct and use a water supply work unless an exemption applies.

It is an offence to construct and use a water supply work without an approval. It is also an offence to construct and use a water supply work in a manner which does not comply with the terms and conditions of an approval.

## What are the exemptions?

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

## What does it mean if the work is 'inactive'?

A water supply work approval may specify that the authorised work is 'inactive' if the work:

- was constructed to take water from a surface water source, such as a river or lake, and
- the work is not capable of taking water.

If a water supply work approval specifies that the authorised work is inactive, the approval will include a condition prohibiting the work from being used to take water.

It is an offence to use a water supply work to take water when it is prohibited by a condition of the approval.

## Why have an ‘inactive’ work?

An approval holder may not be using an authorised water supply work to take water for a number of reasons, including:

- they have stopped, either permanently or temporarily, carrying out the activity which required water supplies
- they are taking water from a different water supply work
- the water supply work was never installed.

In this case the approval holder may choose to apply to amend their approval to specify that their work is ‘inactive’ so they do not need to comply with any mandatory condition on the approval that metering equipment be installed, used and properly maintained.

The approval holder can apply to withdraw this ‘inactive’ status at any time. If the work is no longer ‘inactive’ the approval holder will need to comply with any mandatory condition on the approval that metering equipment be installed, used and properly maintained.

Alternatively, approval holders who have permanently stopped using an authorised water supply work to take water may choose to decommission the work and surrender the approval. Once the approval is surrendered it will be cancelled and cannot be re-activated.

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## Who can apply

An approval holder can apply for the amendment of their water supply work approval to specify that the work is ‘inactive’, or to withdraw that specification.

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## How to use this guide

Use this guide to assist you in completing the *Application form for an amended water supply work approval — Inactive works*.

The application form has 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.

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## 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 your approval.

- 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.
- 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.
- A15-22 There can be more than one holder of an approval. 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.
- A23 This is the total number of applicants listed on the application form and includes 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.

### Section C: Pre-application discussion

C1-2 A pre-application discussion with an officer from the department may assist you to complete the application form.

## Part 2 — Approval details

### Section D: Approval details

D1 Specify the approval number of the approval you wish to amend.

You can find this number on your Statement of Approval. This number will contain the letters 'WA' or 'CA'.

D2 Specify whether the approval authorises 1 water supply work only, or more than 1 work.

You can find the number of water supply works which are authorised by the approval in Schedule 2 of the Statement of Approval.

D3 Does this application relate to all of the works authorised by the approval, or only some of the works?

For example, if the approval authorises 2 works, and your application is for both of these works to be specified as inactive, then answer 'all works authorised by the approval'. On the other hand, if the approval authorises 2 works, and your approval is for only one of these works to be specified as inactive, answer 'some works authorised by the approval'.

D4 If this application only relates to some of the works authorised by the approval, you need to identify which work/s the application relates to. Identify the work/s by specifying the work number listed in Schedule 2 of the Statement of Approval.

For example, if the approval authorises 2 works, and your application is for the second work to be specified as inactive, answer 'work 2'.

### Section E: Amendment details

E1 Select how you would like the approval to be amended. You can apply for the work to be specified as 'inactive', or you can apply to withdraw the inactive status from a work.

If your application to withdraw the inactive status from a work is granted, you will need to comply with any mandatory condition on the approval that metering equipment be installed, used and properly maintained.

## Part 3 — Declaration and application fee

### 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 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 G: 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.