

New water supply work and/or water use approvals

This guide is provided to assist you in completing the application for a new approval for water supply works, and/or water use approvals.

The application form must be completed in order to obtain a water use or water supply works approval under *Section 92 of the Water Management Act 2000* (WM Act).

This guide provides detailed explanations of each section and questions to help you fill in the application form. We recommend you read this carefully before completing the application form. However, if you require further assistance, email waterlicensing.servicedesk@dpie.nsw.gov.au.

What is a water supply work approval and water use approval?

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.

Water use approvals allow you to use water on your land. Examples of water uses which require approval are irrigation, town water supply and power generation.

Water supply work approvals and water use approvals may be granted at the same time and specified in a single approval document called a combined approval. This commonly occurs where applications for these approvals are made at the same time and relate to the same property.

If you want to apply for approval for water supply works and water use on different properties, you will need to make separate applications. Only works on contiguous lots may be nominated on the same application.

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.

You need a water use approval to use water for a particular purpose at a particular location unless an exemption applies.

It is an offence to use water without an approval. It is also an offence to use water 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.

Can my approval be amended?

You can apply to amend your water supply work approval and/or water use approval by altering, removing, adding or reducing any of the water supply works, uses or land specified in the approval. For amendments to an existing approval complete the *Amend a water supply work and/or water use approval* application form.

How to use this guide

Use this guide to assist you in completing the application form for a *New water supply work and/or water use approval*.

The application forms have several parts (relating to the type of approval sought) and sections which are divided into a series of questions. 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

Requirements for water supply work approval application

The following information is required to support applications for the amendment of existing water supply work approvals. Links have been provided to assist you.

Failure to provide the requested information may result in your application being refused to be assessed.

- detailed design drawings of proposed works, including survey plans and cross sections
 - copy of proposed pumping regime (timetable)
 - map indicating
 - location of property (including landmarks and north indicator), with clearly defined property boundary
 - location(s) (including coordinates) of all existing works as well as works proposed in this application
 - watercourses and wetlands (including dry riverbeds and temporary wetlands)
 - extent of any native vegetation on the property (including native grasses)
- Use the department's *Waterfront land e-tool* to identify any waterfront land on or near the property: <https://water.dpie.nsw.gov.au/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>
- any known Aboriginal or European cultural heritage features on the property – search results and mapped locations
 - use the Aboriginal Heritage Information Management System (AHIMS) Web Services to identify any Aboriginal heritage features on the property:
www.environment.nsw.gov.au/awssapp/Login.aspx?ReturnUrl=%2fawssapp
 - search the State Heritage Inventory for NSW heritage: www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage
 - records of any threatened species on the property – search results and mapped locations
 - use the NSW BioNet Atlas search to identify any threatened species:
https://www.environment.nsw.gov.au/atlaspublicapp/UI_Modules/ATLAS_/AtlasSearch.aspx
 - records of any protected species within a 1-kilometre radius of the proposed work location – search results and mapped locations
 - use the Australian Government Protected Matters Search Tool to identify any protected species within a 1 km radius of the proposed work location:
www.awe.gov.au/environment/epbc/protected-matters-search-tool
 - details of any contaminated sites on or near the property – search results and mapped locations

— use the Environmental Protection Authority public register contaminated land record of notices to identify any contaminated sites:

<https://apps.epa.nsw.gov.au/prclmapp/searchregister.aspx>

- details of any exploration or mining titles on or near the property — search results and mapped locations

— use the Regional NSW Mining, Exploration & Geoscience MinView search to identify any exploration or mining titles on or near the property:

<https://minview.geoscience.nsw.gov.au/#/?lon=149.6275&lat=-33.31457&a=10&bm=bm3&l=ti14:y:100,t13:y:100,t10:y:100,ap0y:100,pt6:y:100,pt5:y:100,pt4:y:100,pt3:y:100,pt2:y:100,pt1:y:100,mt6:y:100,mt5:y:100,mt4:y:100,mt3:y:100,mt2:y:100,mt1:y:100>

- acid sulphate soils assessment and management report (if acid sulphate soils present at site).

Additional requirements for dewatering applications

Applications for dewatering require technical assessment from the department unless it is deemed that your project is classed as low risk and small scale.

The impact statements, hydrogeology report and Dewatering Management Plan must include the following information:

- proposed volume of take
- a detailed explanation and evidence to demonstrate the suitability of the volume estimation method
- the ground elevation across the site on a survey plan or detailed in other supporting documents
- a characterisation of the ground conditions based on site-specific intrusive investigations
- water level measurements
- the magnitude of required drawdown in water level to achieve dry conditions in the excavation
- the works proposed to be used for dewatering, described in detail (number, spacing, depth, individual discharge rates, cumulative discharge rate) and illustrated on specific plan and section diagrams
- the base level of the aquifer, preferably including bore logs
- accurate excavation footprint dimensions (length, width, bulk excavation level)
- field test results to determine the hydraulic conductivity of the lithological units present beneath the site
- the anticipated duration of dewatering pumping
- the depth of piling embedment beneath the bulk excavation level (where applicable).

For low risk, small scale dewatering works, you may submit your application without the additional information requirements for dewatering. The department will request this information from you if required.

Information relating to proposed use of water

To determine whether or not you are exempt from a water use approval visit the department's website: <https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/water-licensing-and-works-approvals-exemptions>.

PART 1 – Applicant details

Part 1 must be completed.

Section A: Applicant details

In this section provide the details of the applicant/s for the 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. 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.
- 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: Land ownership of the works site and lands to be supplied

Specify whether the application is made by the owners of the land or the lawful occupiers of the land.

If you do not own the land, but you anticipate that you will own the land within a reasonable period of the date of application, attach an explanation of anticipated ownership together with documentary evidence.

An owner of land is any person with freehold title to land.

To permit you to carry out the activities to be authorised by the approval, the term lawful occupation includes:

- an easement
- a power arising under legislation
- an agreement or other legally binding permission with the owner (e.g. a lease, a permissive occupancy or enclosure permit).

The agreement may be a specific authorisation or an appropriate clause in a general authority such as a lease.

You must attach a copy of the relevant documentation, which includes:

- a letter from the owner authorising your occupation of the land to which the approval would apply
- evidence of an easement, a power arising under legislation or an agreement or other legally binding permission with the owner (e.g., lease, a permissive occupancy or enclosure permit).

Other – this could be if you are applying as a major utility, irrigation corporation, private irrigation board, private drainage board or private water trust, or as permissive occupancy.

All owners of the land or lawful occupiers, or their legal representative, must sign this application form.

Section D: Other approvals

D1-D3 If your proposal has been granted consent from your local council, provide the consent number in D3.

D4 If an environmental impact assessment has been undertaken, you are required to attach a copy of the assessment with the application.

D5 If your proposal is considered a State Significant Development or major project, provide the consent number in D5.

D6-D8 You may require a separate approval or a property vegetation plan under the *Native Vegetation Act 2003* if your proposal involves clearing. If native vegetation clearing consent has been granted, provide the consent number.

Section E: Pre-application discussion

If you have participated in a pre-application discussion with an officer from the department, disclose the name of the officer and date of the discussion on the application form.

PART 2 – Water supply work approval

PART 2A: Work details

If you are applying for a water supply work approval, complete the relevant sections F to J for all new water supply work/s approvals. Part 2B must also be completed.

If you are seeking approval for more than one of each type of work, duplicate and complete the relevant page and attach to your application. Only works on contiguous lots can be applied for on the same approval.

Note: In some of the sections below, there are questions relating to rivers. ‘River’ is defined in the WM Act to include:

- any water source, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and
- any tributary, branch or other watercourse into or from which a water course referred to in paragraph (a) flows, and
- anything declared by the regulations to be a river.

Mandatory metering conditions will apply to water supply works that meet infrastructure size thresholds.

It is not necessary to hold a water access licence in order to apply for a water supply work approval. However, it is recommended that you check licence availability before making an application if you are in doubt.

For information about exemptions, go to <https://water.dpie.nsw.gov.au/licensing-and-trade/licensing/water-licensing-and-works-approvals-exemptions>.

Section F: Extraction works – groundwater only

If you are seeking approval for more than one groundwater work, duplicate Section F and attach the completed extra page(s). Only works on contiguous lots and within the same water source can be applied for on the same approval.

F1-3 A current and relevant water access licence is a water access licence that is approved in the same water source and for the same purpose as the proposed water supply work.

- F4 For type of work see list of works at the end of this guide.
- F5 Specify whether your approval is ongoing or fixed term. For some purposes of work, length of approval can determine whether advertising is required. See Part 3 Division 1 Clause 26 'Advertising of applications for approvals' in Water Management (General) Regulation 2018 for further information. Standard advertising is 28 days.
- F6-18 Provide details of proposed work. All questions must be answered.
- F19-28 The department needs to check that your proposed work will not extract from a river, damage a wetland, interfere with a neighbour's bore or extract contaminated groundwater.
- F29-30 For bores, the proposed work must be carried out by a licenced bore driller. For dewatering, a Dewatering Management Plan is required.

Section G: Pump(s) – surface water only

If you are seeking approval for more than one surface water pump, duplicate Section G and attach the completed extra page(s). Only works on contiguous lots can be applied for on the same approval.

- G1-4 A current and relevant water access licence is a water access licence that is approved in the same water source and for the same purpose as the proposed water supply work.
- G5 Specify whether your approval is ongoing or fixed term. For some purposes of work, length of approval can determine whether advertising is required. See Part 3 Division 1 Clause 26 'Advertising of applications for approvals' in Water Management (General) Regulation 2018 for further information. Standard advertising is 28 days.
- G6-21 Provide details of proposed work. All questions must be answered.

Section H: Channel(s) for diverting or conveying water, regulator(s) or pipes

If you are seeking approval for more than one channel, regulator or pipe works, duplicate Section H and attach the completed extra page(s). Only works on contiguous lots can be applied for on the same approval.

- H1-3 A current and relevant water access licence is a water access licence that is approved in the same water source and for the same purpose as the proposed water supply work.
- H4 For type of work see list of works at the end of this guide.
- H5-16 Provide details of proposed work. All questions must be answered.

Section I: Storage works – off river

If you are seeking approval for more than one off-river or runoff harvesting storage works, duplicate Section I and attach the completed extra page(s). Only works on contiguous lots can be applied for on the same approval.

- I1-3 A current and relevant water access licence is a water access licence that is approved in the same water source and for the same purpose as the proposed water supply work.
- I4-5 For type of work see list of works at the end of this guide.
- I6-8 Provide location details of proposed work. All questions must be answered.
- I9 If the proposed work is to be on a floodplain, it may cause the redistribution of flood flows, which may have adverse environmental impacts and adversely affect surrounding landholders. We are required to assess these aspects and may require you to redesign your proposal to mitigate any potential impacts.
- I10-16 Provide size and dimension details of the work. All questions must be answered. Refer to information on farm dams for a method of calculating storage capacity at <https://www.waternsw.com.au/>.

Section J: Storage works – in river storage only (e.g., weirs)

If you are seeking approval for more than one in-river storage work, duplicate Section J and attach the completed extra page(s). Only works on contiguous lots can be applied for on the same approval.

- J1-3 A current and relevant water access licence is a water access licence that is approved in the same water source and for the same purpose as the proposed water supply work.
- J4 For type of work see list of works at the end of this guide.
- J5-17 Provide details of proposed work. All questions must be answered. Refer to information on farm dams for a method of calculating storage capacity at <https://www.waternsw.com.au/>.
- J10 If the proposed work is to be on a floodplain, it may cause the redistribution of flood flows, which may have adverse environmental impacts and adversely affect surrounding landholders. We are required to assess these aspects and may require you to redesign your proposal to mitigate any potential impacts.

PART 2B: Potential environmental impacts of the water supply work(s)

Section K: Impact statement

Part 2 Section K must be completed for all water supply work applications.

- K1 You are required to advise of any listed features/characteristics present at the site of the proposed water supply work.
- K2 Design and construction plans and a detailed map are required to demonstrate the proposed extent of disturbances to soil and vegetation. For applications related to dewatering in existing excavation this question is not applicable.

- K3 Contamination status of the property is required to assess the impact of the proposed work. For dewatering – if it is deemed that your project is classed as low risk and small scale you may submit your application without the general quality characteristics of the groundwater beneath the site. The department will request this information if required.
- K4 If geotechnical investigations have been undertaken at the site you are required to include the report with the application.
- K5 If acid sulphate soils are present at the site, an Acid Sulphate Soil Management Plan must be provided with the application.

The information you provide will assist us to undertake an assessment of likely impacts of the water supply work approval/s.

Depending on the size of your proposal and its potential impacts, you may also be required to provide:

- a Species Impact Statement (if your proposal has potential impacts on threatened species under the *Threatened Species Conservation Act 1995*)
- a surveyed plan showing the proposed layout, dimensions and construction details of the work/s
- any other additional information about your proposal, as required.

If your proposed activity is a water supply work and it involves clearing of native vegetation, you do not have to get separate approval under the *Native Vegetation Act 2003*. You may, however, require a separate approval or a property vegetation plan under the *Native Vegetation Act 2003* if your proposed activity is water use and it involves clearing at the proposed site of the water use.

PART 3 – Water use approval

PART 3A: Use details

Complete Part 3 if you a use approval is required

If you are applying for a Water Use Approval, complete sections L to P. Part 3B must also be completed.

Section L: Purpose

- L1-2 Nominate the purpose you are seeking approval for.
- L3-5 A current and relevant water access licence is a water access licence that is approved in the same water source and for the same purpose as the proposed water supply work.

Section M: Location of land where water will be used

Provide the location of the water use approval and the river location to allow references to relevant planning policies that apply to the area.

If the proposal will be located on more than one property, please mark them all clearly on a map and provide property details such as lot number etc. for each.

Section N: Water use proposal

If the water is to be used for irrigation complete the table. For other purposes provide details of the proposed use in the space provided.

Section O: Soils

For complex or potentially high impact proposals, you may be required to provide a soil survey.

Section P: Drainage management

Complete section P for irrigation only.

PART 3B: Potential environmental impacts of the water use

Section Q: Impact statement

Part 3 Section Q must be completed for all water use applications.

- Q1 You are required to advise of any listed features/characteristics present at the site of the proposed water use.
- Q2 Design and construction plans and a detailed map are required to demonstrate the proposed extent of disturbances to soil and vegetation.
- Q3 Contamination status of the property is required to assess the impact of the proposed use of water.
- Q4 If geotechnical investigations have been undertaken at the site you are required to include the report with the application.
- Q5 If acid sulphate soils are present at the site, an Acid Sulphate Soil Management Plan must be provided with the application.

The information you provide will assist us to undertake an assessment of likely impacts of the water use.

Depending on the size of your proposal and its potential impacts, you may also be required to provide:

- a Species Impact Statement (if your proposal has potential impacts on threatened species under the *Threatened Species Conservation Act 1995*)
- a surveyed plan showing the proposed layout, dimensions and construction details of the work/s
- any other additional information about your proposal, as required.

You may require a separate approval or a property vegetation plan under the *Native Vegetation Act 2003* if your proposed activity is water use and it involves clearing at the proposed site of the water use.

PART 4 – Declaration and application fee

Part 4 must be completed.

Section R: Declaration of applicants

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 S: Payment of application

Specify how you would like to pay the application fee. An officer from the department will contact the nominated payee for payment.

List of works

Each of the sections in Part 2A requires the ‘Type of work’ to be entered. Select from the ‘type of work’ listed under each of the work categories.

Table 1. Type of works required in Part 2A

| Type of work | Specific type | Specific type |
|--|--|--|
| Section F: Extraction works – groundwater | <ul style="list-style-type: none"> • bore • test bore • pump (in excavation) • spearpoints | <ul style="list-style-type: none"> • excavation • well • artesian well • collector system |
| Section G: Pump(s) – surface water only | <ul style="list-style-type: none"> • axial flow • centrifugal • mixed flow • force • piston • mono • submersible | <ul style="list-style-type: none"> • pumping plant • pumping station • stand by pump • helical rotor • windmill • hydraulic ram • spearpoints |
| Section H: Channel(s) – for diverting or conveying water, regulator(s) or pipes | <ul style="list-style-type: none"> • cutting • channel • channel – above ground • channel – below ground | <ul style="list-style-type: none"> • regulator • water race • pipeline |
| Section I: Storage work(s) – off-river and runoff harvesting storages only (e.g. on-farm dams, turkeys nest dams) | <ul style="list-style-type: none"> • bywash dam • bywash dam and cutting • earthen dam and pipe spillway • block dam with training walls | <ul style="list-style-type: none"> • recirculation storages • groundwater storages (e.g. tanks, dam) • excavated tank |
| Section J: Storage works – in-river storage only (e.g. weirs) | <ul style="list-style-type: none"> • block dam • block dam and diversion pipe • block dam and regulator • block dam with training walls • earthen dam and pipe spillway • earth fill dam/spillway/radial gate and emergency spillway | <ul style="list-style-type: none"> • overshot dam • overshot dam and diversion pipe barrage • bywash dam • bywash dam and cutting • block dam with bywash • weir |