



# Guidelines on applying for a water licence under the Water Act 1912

The following information outlines the steps involved in applying to NSW Office of Water for a new *Water Act 1912* surface water or groundwater licence in a water source that is not embargoed or for a non-embargoed purpose.

## **SURFACE WATER LICENCE OR JOINT WATER SUPPLY AUTHORITY**

### **Step 1 – Complete and submit the application form**

- Check with the Office of Water first that you are able to apply for a new water licence in the water source, for your intended purpose.
- Obtain the *Application for a surface water licence* (under section 10 of the *Water Act 1912*) or the *Application for an authority for a joint water supply scheme* (under section 20 of the *Water Act 1912*) from the Office of Water website [www.water.nsw.gov.au](http://www.water.nsw.gov.au) under Water licensing > Applications and fees.
- A licence can only be held by the lawful occupier of the land. If the site of the water supply work (pump, dam etc) is not freehold, then you must attach proof that you have lawful right of occupation, such as a lease or permissive occupancy (an agreement to occupy the site of the work).
- For a licence, ensure that you fill in and attach:
  - the full name of the applicant, whether an individual or a company
  - the complete property address and postal address
  - the location of the works (ie. a dam or pump) defined by the lot and deposited plan number of each work to be covered by the licence
  - the purpose of the work (eg. stock and domestic, irrigation supply etc)
  - the required plan of the property and proposed development
  - the Environmental Impact Information (attached as Appendix 1 to the application form)
  - the Environmental Impact Assessment (attached as Appendix 2 to the application form)
  - the initial application fee.
- For a joint water supply scheme authority, ensure that you fill in or attach:
  - the full name and address of the person to whom correspondence is to be addressed
  - details of land of each occupier to be supplied with water - attach additional pages if necessary
  - details of the water supply works, any irrigated crops and water required
  - the particulars of arrangements between the members of the scheme
  - signatures of all scheme members
  - the required plans
  - copy of certified agreement between joint water supply scheme members
  - the Environmental Impact Information (attached as Appendix 1 to the application form)
  - the Environmental Impact Assessment (attached as Appendix 2 to the application form)
  - the initial application fee.
- Submit your completed form with the initial application fee (deposit) of \$30 to the NSW Office of Water.

## Step 2 – NSW Office of Water processes the application

- Your application will be registered on the NSW Office of Water Licensing Administration System.
- The Office of Water will then advertise the application in the Government Gazette and a local newspaper. Any local occupier or statutory authority (eg. government agency) that believes their interests may be affected can lodge an objection within 28 days of the advertisement stating the grounds of their objection.
- Notification of the application is made to the Native Title Service of NSW.
- A licensing officer may contact you to clarify the nature and purpose of the proposed works. This may require a property inspection.
- Impacts on the sub-catchment and other water users will be assessed by the Office of Water.
- If no objections are received, and after assessing your application it is approved, you will be advised of the period and conditions that are proposed for the licence. If you object to the proposed conditions, your application will be referred to a Local Land Board for a public inquiry.
- If your application for a licence is refused, you may appeal to the Land and Environment Court.

## Step 3 – Dealing with objections

- If someone objects to your licence application, the Office of Water will find out more about their concerns and try to resolve these wherever possible.
- If a resolution cannot be found and the Office of Water is of the opinion that the licence should be granted with appropriate conditions, the application will be referred to the Local Land Board for a public inquiry.
- Any decision made by the Local Land Board may be appealed in the Land and Environment Court.

## Step 4 – Issue of the licence

- Once approved, the Office of Water will notify you that you need to pay the balance of the licence fee (the initial \$30 application fee already paid is credited against this).
- The Office of Water will then issue you with your licence and conditions. The term of a surface water licence is generally five years.

## APPLYING FOR A GROUNDWATER LICENCE

Complete the *Application for a groundwater licence* (under Part 5 of the *Water Act 1912*) and include a map showing the land and proposed development. Generally, the steps involved for a groundwater licence are the same as for surface water licences, with the following exceptions:

1. There is no application fee for stock and domestic groundwater licences in non-artesian aquifers.
2. NSW Office of Water will determine whether the application should be advertised.
3. Applications for groundwater licences for irrigation, industrial or other commercial purposes attract an application fee of \$48 for an artesian bore and \$151 for a non-artesian bore. Payment is required upfront.
4. The Office of Water may approve the licence after considering any objections received or refer the objections to a Local Land Board hearing.
5. The term of a groundwater licence is generally five years, although stock and domestic groundwater licences are usually issued in perpetuity.

Construction of a groundwater work cannot commence before a licence is granted.

## WHERE DO I GO FOR ADDITIONAL INFORMATION?

Find out more about water licensing at [www.water.nsw.gov.au](http://www.water.nsw.gov.au)

## CONTACT US

Contact a water licensing officer at a local office listed on our website, free call the licensing information line on 1800 353 104 or email [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au)