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New South Wales

## Controlled Allocation Order (Various Groundwater Sources) (No 1) 2014

under the

Water Management Act 2000

I, Michael Bullen, having delegated authority from the Minister for Natural Resources, Lands and Water, in pursuance of section 65 of the *Water Management Act 2000*, make the following Order.

Dated this 4th day of September, 2014.

MICHAEL BULLEN

DEPUTY DIRECTOR GENERAL

**Signed for the Minister for Natural Resources, Lands and Water  
(by delegation)**

### Explanatory note

This Order is made under section 65 of the *Water Management Act 2000*. The object of this Order is to declare that the right to apply for an aquifer access licence in respect of the water sources identified in Schedule 1 is to be acquired by way of tender. The tender is to be conducted through a Registration of Interest Process according to the Terms and Conditions at Schedule 2. For each water source specified in Schedule 1, persons may register their interest in obtaining the right to apply for an aquifer access licence up to the quantity of units of access licence share component specified for that water source.

# Controlled Allocation Order (Various Groundwater Sources) (No 1) 2014

under the

Water Management Act 2000

## 1 Name of Order

This Order is the *Controlled Allocation Order (Various Groundwater Sources) (No 1) 2014*.

## 2 Term of Order

This Order commences on the day on which it is published in the NSW Government Gazette and will remain in force until 30 June 2015, unless it is repealed, modified or extended by order before that date.

## 3 Water sources to which this Order applies

This Order applies to each water source specified in Column 2 of Schedule 1 in relation to the water sharing plan specified in Column 1 of Schedule 1 for that water source.

## 4 Controlled allocation declaration

I declare that the right to apply for an aquifer access licence in respect of the water sources to which this Order applies:

- a) is to be acquired by tender; and
- b) cannot exceed the quantity of units of access licence share component specified in Column 3 of Schedule 1 for the water source specified in Column 2.

Note. The right to apply for an aquifer access licence does not include the right to apply for an aquifer (general security) access licence or an aquifer (high security) access licence which are different categories of water access licence.

## 5 Subcategories of aquifer access licence

The right to apply for an aquifer access licence does not include the right to apply for a subcategory of aquifer access licence.

## 6 Controlled allocation process

The tender is to be carried out in the form of a Registration of Interest Process on the basis of the Terms and Conditions set out at Schedule 2.

## SCHEDULE 1

<b>Column 1: Water Sharing Plan</b>	<b>Column 2: Water Source</b>	<b>Column 3: Quantity of units of access licence share component per water source*</b>
Water Sharing Plan for the NSW Murray Darling Basin (MDB) Fractured Rock Groundwater Sources 2011	Adelaide Fold Belt MDB Groundwater Source	130
	Kanmantoo Fold Belt MDB Groundwater Source	451
	Lachlan Fold Belt MDB Groundwater Source	5,114
	New England Fold Belt MDB Groundwater Source	842
Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources 2011	Sydney Basin MDB Groundwater Source	704
	Gunnedah–Oxley Basin MDB Groundwater Source	4,405
	Western Murray Porous Rock Groundwater Source	8,145
Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2011	Adelaide Fold Belt North Western Groundwater Source	1,398
	Kanmantoo Fold Belt North Western Groundwater Source	1,285
Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012	Upper Darling Alluvial Groundwater Source	5
Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003	Dorrigo Basalt Groundwater Source	212

Column 1: Water Sharing Plan	Column 2: Water Source	Column 3: Quantity of units of access licence share component per water source*
Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011	Coxs River Fractured Rock Groundwater Source	327
	Goulburn Fractured Rock Groundwater Source	2,273
	Metropolitan Coastal Sands Groundwater Source	1,203
	Sydney Basin Central Groundwater Source	2,021
	Sydney Basin Coxs River Groundwater Source	329
	Sydney Basin Nepean Groundwater Source	3,767
	Sydney Basin North Groundwater Source	902
	Sydney Basin Richmond Groundwater Source	145
	Sydney Basin South Groundwater Source	3,061

\*Note. The maximum number of units of access licence share component for each water source in column 3 is equivalent to 5% of the unassigned water in that water source.

## SCHEDULE 2

# Terms and Conditions for Registration of Interest Process

## Introduction

The NSW Office of Water is conducting a tender process which calls for persons to register their interest in obtaining the right to apply for a water access licence (category aquifer access licence) in a number of groundwater sources that have unassigned water.

Unassigned water exists in groundwater sources where current water requirements are less than the limits specified in plans. Current water requirements are licensed volumes plus volumes required to meet basic landholder rights<sup>1</sup>

For water sources located within the Murray Darling Basin Plan, the unassigned water volume is calculated by subtracting total water requirements from the sustainable diversion limit that will apply under the Basin Plan.

For water sources outside the Murray Darling Basin Plan, the unassigned water volume is calculated by subtracting total water requirements from the long term average extraction limit specified in the NSW water sharing plans.

Long term average extraction limits in NSW water sharing plans and sustainable diversion limits in the Murray Darling Basin Plan have been set to ensure that water is reserved for the environment.

This document sets out the Terms and Conditions upon which the Registration of Interest process ("**Rol process**") is to be conducted, and sets out the rights and obligations of each participant.

## Important note

The right that is the subject of this Rol process is the right to apply for a water access licence. Should a participant be successful in gaining the right to apply, this does not necessarily mean that a licence will be granted when it is applied for. If successful in gaining the right to apply, the participant will need to lodge a licence application which will be determined consistently with the requirements of the relevant water sharing plan and the *Water Management Act 2000*.

A successful participant's licence application will also be conditional upon the successful participant complying with these Terms and Conditions.

The successful participant may also need to obtain further approvals to take and/or use the water. These may include, for example, a water supply work approval and/or a water use approval under the *Water Management Act 2000* or an approval/consent under the *Environmental Planning and Assessment Act 1979*.

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<sup>1</sup> In groundwater sources a basic landholder right is, in a practical sense, water taken from the groundwater source for domestic and stock use.

If a licence is granted, prior to taking water the successful participant will also need to ensure that a water supply work is nominated on the water access licence under section 71W of the *Water Management Act 2000* to ensure they are not committing an offence under section 60D, irrespective of which type of approval/consent is held.

If a successful participant has chosen to have a pre-assessment of a work and its location, prior to the applicant lodging an application for a licence, the Office of Water will undertake the pre-assessment and provide advice. Successful participants are not required to nominate a work when they apply for the water access licence but are required to have a work nominated on their water access licence prior to taking water.

If the successful participant applies to nominate the work at the time they apply for the licence, a special assessment fee may apply to complete the assessment under section 71W of the *Water Management Act 2000*. A special assessment fee of \$27.14/ unit entitlement applies for entitlement greater than 20 units to a maximum of 120 units.

## Overview

- 1.1 The NSW Office of Water<sup>2</sup> will conduct the RoI process under this Order.
- 1.2 The minimum price for the right to apply for a water access licence is \$800 per unit share of water in all water sources specified in Column 2 of Schedule 1, except in the Western Murray Porous Rock Groundwater Source.
- 1.3 The minimum price for the right to apply for a water access licence is \$500 per unit share of water in the Western Murray Porous Rock Groundwater Source.
- 1.4 As part of this RoI process, each participant will nominate the price per unit share of water they are willing to pay for the right to apply for a water access licence in the relevant water source through their RoI. They will also nominate the number of unit shares that they wish to purchase.

Note. Return flow rules are likely to be made for aquifer access licences in the second half of 2014. Once these rules are put in place, licence holders will receive a credit to their water allocation account for water returned to the same groundwater source from which it was taken, providing specific conditions are met. Licence holders will only need to hold enough licence shares to account for the net amount of water extracted, ie the amount of water initially extracted minus the amount of water returned. Water usage fees will only be applied to the net amount of water extracted.

## The RoI process

- 2.1 On the day on which the Order is published in the NSW Government Gazette, a notice will be published on the website of the NSW Office of Water ([www.water.nsw.gov.au](http://www.water.nsw.gov.au)) notifying people of the right to register their interest within 42 days from the date of publication of the Order.
- 2.2 To register interest, a person must:
  - (a) complete the RoI form at Annexure A, and

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<sup>2</sup> The NSW Office of Water is part of the Office of the Department of Primary Industries, an office of the NSW Department of Trade and Investment, Regional Infrastructure and Services.

- (b) lodge the completed Annexure A form and an application fee of \$150 by post to Advisory Services, PO Box 3720, Parramatta NSW 2124.
- 2.3 The application fee can be paid by bank cheque, personal cheque made out to NSW Office of Water or by completing the credit card details on the RoI form.
- 2.4 If a person is seeking to acquire a right to apply for water access licences in more than one water source, they must lodge a separate RoI form for each water source. Each RoI form must be accompanied by a separate application fee.
- 2.5 An RoI must be lodged within 42 days from the date on which the Order is published in the Government Gazette.
- 2.6 The RoI must be lodged by the same person who will hold the water access licence (if successful).

Notes.

1. 'Person' has the same meaning as defined in s 21 of the *Interpretation Act 1987*.
2. It must be clear in the ROI who is making the application. For example, if it is intended that the water access licence will ultimately be held by a company, then the RoI must be lodged by the company (in accordance with section 127 of the *Corporations Act 2001 (Cth)*). If an individual person lodges a ROI and is successful, then the water access licence will be issued to that individual only. If it is intended that more than one applicant will hold the water access licence, then all applicants must be on the RoI.
- 2.7 Applicants must not engage in any unethical behaviour, or seek to obtain an unfair advantage, in participating in the RoI process. The applicant must comply with the standards of behaviour in Part 4 of the NSW Government Code of Practice for Procurement to the extent that they are relevant.  
Note: A copy of the Code is available at <http://www.procurepoint.nsw.gov.au/policies/nsw-government-procurement-information> and . Part 4 of the Code is extracted at Annexure D.
- 2.8 Lodgement of an RoI will itself be an acknowledgement and representation by the applicant that:
- (a) the applicant accepts the Terms and Conditions;
  - (b) the applicant agrees not to engage in unethical behaviour, or to seek to obtain an unfair advantage; and
  - (c) the applicant is aware of the requirements in Part 4 of the NSW Government Code of Practice for Procurement, that the applicant will comply with those requirements and that the applicant agrees to provide, on request, access to all relevant information to demonstrate compliance.
- 2.9 If an applicant has failed to comply with the requirements in Part 4 of the NSW Government Code of Practice for Procurement, this failure may be taken into account by the NSW Office of Water when conducting any controlled allocation process pursuant to s65 of the *Water Management Act 2000*. Evidence of collusive tendering may lead to the rejection of some or all RoIs, and applicants involved in such practices may be barred from submitting proposals to the NSW Office of Water in the future.
- 2.10 There may be public disclosure requirements associated with this RoI process and with any Certificate or licence granted pursuant to this Order, including under the *Privacy and Personal Information Protection Act 1988*.

### Criteria for selecting successful participants

- 3.1 The right to apply for a water access licence in each water source will be awarded to the person that offers the highest price for that right, subject to the

other criteria and requirements specified in this Order, Schedule 1 and this Schedule.

- 3.2 If two or more persons in respect of the same water source offer the same highest price per unit share of water for the right to apply for a water access licence and the sum of the unit shares applied for by those persons is greater than the available unit shares for that water source under the Order, then the available unit shares will be distributed proportionally between those persons with the same highest price per unit share of water according to the number of shares sought by those persons.
- 3.3 If the shares available under the Order in respect of a water source are not fully exhausted by the persons that offer the highest price per unit share of water in their Rols, then a right to apply for a water access licence in that water source will be awarded to the person that offers the next highest price per unit share of water (subject to 3.2) until the shares available for that water source have been fully allocated under this Order.
- 3.4 The Deputy Director General<sup>3</sup> reserves the right to refuse to consider an Rol at his or her discretion for any reason.

Notes.

1. Participants should be aware that:

- (a) for the Sydney Basin Nepean Groundwater Source, it is intended that licences will only be granted in Nepean Management Zone 2; and
- (b) for the Lachlan Fold Belt MDB Groundwater Source, it is intended that licences will only be granted in the Lachlan Fold Belt MDB (Other) Management Zone; and
- (c) for the Gunnedah-Oxley Basin MDB Groundwater Source, it is intended that licences will only be granted in the Gunnedah-Oxley (Other) Management Zone.

The Rol form makes provision for a zone to be specified in relation to a water source.

2. Participants should also be aware that it is intended that the total quantity of units of access licence share component that will be issued per water source is the quantity specified for that water source in Column 3 of Schedule 1.

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<sup>3</sup> The Deputy Director General is a Deputy Director General of the NSW Department of Primary Industries, which forms part of the NSW Department of Trade and Investment, Regional Infrastructure and Services.



## Rights and obligations of successful participants

- 4.1. Upon the expiration of the 42 day period, the NSW Office of Water will consider and assess all Rols lodged to determine the highest price per unit share of water offered for the right to apply for a water access licence in each water source.
- 4.2. The Deputy Director General will:
- (a) determine the successful participants based on the requirements in Part 2 and the criteria set out in Part 3 above; and
  - (b) issue to the successful participants a Certificate under section 65 of the *Water Management Act 2000* in the form of Annexure B ("**the Certificate**") that sets out the price at which the successful participants have won the right to apply for a water access licence, the number of shares and the groundwater source.
- 4.3. The successful participant acquires the right to apply for a water access licence ("**the Licence**") under section 65 when the successful participant pays 100% of the total purchase price specified in the Certificate and the licence application fee.
- 4.4. The person who is the successful participant must be the same person who applies for the Licence.
- Note: 'Person' has the same meaning as defined in s 21 of the *Interpretation Act 1987*.
- 4.5. Subject to payment of 100 % of the total purchase price specified in the Certificate and the licence application fee, the successful participant shall be entitled to apply for the Licence by either completing the licence application form attached to these Terms and Conditions as Annexure C or by completing the application form online on the NSW Office of Water website.
- 4.6. Unless 4.7 applies, the successful participant must lodge an application for the Licence within 28 days of the date of issue of the Certificate under 4.2 (b) along with the licence application fee of \$575.04 and 100 % of the total purchase price specified in the Certificate. The successful participant must lodge an application for all the shares specified in the Certificate.
- Note: If the successful participant chooses to apply to nominate a work at the same time as they apply for a water assess licence, they may also have to pay a special assessment fee.
- 4.7. If, in the Rol, the successful participant chooses to have a pre-assessment undertaken of the work(s) proposed to be nominated on the Licence, the successful participant must lodge an application for the Licence within 28 days of the Office of Water providing advice as to whether or not an application under section 71W could be granted. The Licence application must be lodged along with the application fee of \$575.04 and 100 % of the total purchase price specified in the Certificate. The successful participant must lodge an application for all the shares specified in the Certificate.
- Note: If the successful participant chooses to apply to nominate a work at the same time as application is made for a water assess licence, the successful participant may also have to pay a special assessment fee.
- 4.8. The total purchase price specified in the Certificate and the licence application fee can be paid by bank cheque or personal cheque made out to NSW Office of Water and posted to Advisory Services, PO Box 3720, Parramatta NSW 2124, by credit card by completing the credit card information on the application form, or by credit card online if making the application for the Licence online.

- 4.9. The successful participant's licence application will be assessed and determined on its merits, consistent with the requirements of the *Water Management Act 2000* and the water sharing plan applicable to the relevant water source and the Department's procedures<sup>4</sup>. The successful participant will be notified in writing of the result of any licence application in accordance with s64 of the *Water Management Act 2000*.
- 4.10. If the successful participant is unable to lodge a water access licence application within this period due to genuine exceptional circumstances that are beyond his or her control, the NSW Office of Water may grant an extension of time. The successful participant must request this extension in writing to the NSW Office of Water before the expiry of the 28 day period after the date of issue of the Certificate or the 28 day period after pre-assessment advice has been provided, whichever applies. The request for an extension must include the length of extension requested and all relevant facts and supporting documentation to justify the request. The maximum extension of time the NSW Office of Water may allow to lodge a water access licence application is 3 months.

Notes.

1. The successful participant's application will be assessed under the *Water Management Act 2000* consistently with the requirements of the water sharing plan applicable to the relevant water source and according to the established criteria and procedures of the NSW Office of Water.

2. It is intended licences will not be permitted to nominate a work in the following zones:

- (a) the Nepean Management Zone 1 in the Sydney Basin Nepean Groundwater Source, in the Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011, or
- (b) the Lachlan Fold Belt MDB (Mudgee) Management Zone in the Lachlan Fold Belt MDB Groundwater Source in the Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources 2011, or
- (c) the Spring Ridge Management Zone in the Gunnedah-Oxley Basin MDB Groundwater Source in the Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources 2011.

This is because these zones are already fully allocated. The water sharing plans already contain some measures that restrict the nomination of a work or the grant of a new work in these zones to ensure that no additional water can be taken from these zones.

3. It is intended that the total quantity of units of access licence share component that will be issued per water source is the quantity specified for that water source in Column 3 of Schedule 1.

- 4.11. The successful participant can notify the NSW Office of Water that they wish to withdraw their licence application up until the date on which the Minister determines the application under clause 4.9. Notification of intention to withdraw must be in writing. On receiving written notification of the successful participant's intention to withdraw the licence application, the NSW Office of Water will refund 100 % of the total purchase price specified in the Certificate to the successful participant. The licence application fee will not be refunded. The Certificate issued under 4.2(b) will be cancelled.
- 4.12. The withdrawal of a licence application by a successful participant will not constitute a default under these Terms and Conditions.
- 4.13. If the licence application is unsuccessful, the NSW Office of Water will refund 100 % of the total purchase price specified in the Certificate to the successful

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<sup>4</sup> For more information on procedures of the NSW Office of Water, go to [www.water.nsw.gov.au](http://www.water.nsw.gov.au).

participant at the time of notification of the result of the licence application. The licence application fee will not be refunded.

## Default

5.1 The following situations will constitute a default under these Terms and Conditions:

- (a) The successful participant fails to pay 100 % of the total purchase price specified in the Certificate within the required timeframe, including any extended period that the NSW Office of Water has agreed to in writing. A dishonoured cheque will be considered failure to pay; or
- (b) The successful participant fails to lodge a completed water access licence application together with payment of all relevant fees within either 28 days of the date of issue of the Certificate, 28 days after receiving advice about the suitability of the proposed nominated work if 4.7 applies, or any later extension date that the NSW Office of Water has agreed to in writing; or
- (c) The successful participant has made a misrepresentation to the NSW Office of Water in the course of lodging their RoI registering their interest or generally in applying for the Licence; or
- (d) The successful participant has engaged in collusive behaviour.

5.2 In the event of a default:

- (a) the successful participant will forfeit to the NSW Office of Water any deposit paid previously; and
- (b) the successful participant will not be entitled to apply for the Licence and the Deputy Director General shall not be bound by any Certificate that has issued; and
- (c) the Certificate issued will be cancelled; and
- (d) unless (e) applies, the successful participant, and any related parties<sup>5</sup> will not be entitled to participate in any further RoI process or other process under s65 of the *Water Management Act 2000* to apply for a licence under a controlled allocation order for a period of 2 years from the date of this Order; and
- (e) if there are genuine exceptional circumstances such that the 2 year exclusion period referred to in paragraph (c) above would cause financial hardship to the successful participant, or any individuals or companies related to the successful participant, the Deputy Director General may approve the participation of the successful participant, or any individuals or companies related to the successful participant, within the 2 year period, provided that a written request is made to the Deputy Director General for Water outlining the reasons for the claimed financial hardship, including all relevant facts and supporting documentation.

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<sup>5</sup> A person or company, and another person or company, are taken to be related to each other if the relevant entities would be "related parties" under section 228 of the *Corporations Act 2001* (Cth) if the relevant company is a public company.

**Future action**

6.1 If any of the following occur:

- (a) not all of the water specified in the Order is allocated under the Rol process; or
- (b) there is an event of default under clause 5.1; or
- (c) a licence application is refused,

the NSW Office of Water reserves its rights to deal with the water not allocated under this Order and may take action including:

- (d) negotiating with participants; or
- (e) withholding the water for a period of time; or
- (f) conducting a future controlled allocation;

or may take no action.

## ANNEXURE A: Registration of interest for the right to apply for a water access licence.



**Department of  
Primary Industries**  
Office of Water

### Registration of interest for the right to apply for a water access licence (category aquifer access licence)

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

This is a tender process in the form of a Registration of Interest (RoI) for the right to apply for a water access licence (category: aquifer access licence) in a number of groundwater sources which have unassigned water.

Complete this form to lodge a Registration of Interest (RoI) for the right to apply for a water access licence (category aquifer access licence).

You are advised to read *Terms and Conditions for the Controlled Allocation Order (various groundwater sources) (No 1) 2014* ("**Terms and Conditions**") before registering a RoI. It sets out the terms and conditions upon which the RoI process is to be conducted, and sets out the rights and obligations of each participant. The Terms and Conditions also include information on how to submit a RoI and payment of the application fee.

Lodgement of this RoI form constitutes:

- a) acceptance of the Terms and Conditions;
- b) an acknowledgement and representation by you that you agree not to engage in unethical behaviour, or to seek to obtain an unfair advantage; and
- c) an acknowledgement and representation by you that you are aware of the requirements in Part 4 of the NSW Government Code of Practice for Procurement, that you have complied with those requirements in submitting this RoI and that you agree to provide, on request, access to relevant information to demonstrate compliance.

If successful in gaining the right to apply, the participant will need to lodge an application for a new water access licence under section 61(1)(c) of the *Water Management Act 2000* and pay an application fee within the time period set out in the Terms and Conditions.

**NOTE:** The RoI must be lodged by the same person who will hold the water access licence (if successful).

'Person' has the same meaning as defined in s 21 of the *Interpretation Act 1987*.

It must be clear in the RoI who is making the application. For example, if it is intended that the water access licence will ultimately be held by a company, then the RoI must be lodged by the company (in accordance with section 127 of the *Corporations Act 2001* (Cth)). If an individual person lodges a RoI and is successful, then the water access licence will be issued to that individual only. If it is intended that more than one applicant will hold the water access licence, then all applicants must be on the RoI.

If a person is seeking to acquire a right to apply for water access licences in more than one water source they must lodge a separate RoI for each water source. Each RoI must be accompanied by a separate application fee.

If a participant gains a right to apply for a water access licence it does not necessarily mean that a licence will be granted when an application is made.

<b>OFFICE USE ONLY</b>	Fee paid: \$	Customer receipt number:	<b>Office Stamp</b>
	Officer signature:	Date:	
	Application number:	Acceptance date:	

## ANNEXURE A: Registration of interest for the right to apply for a water access licence

Registration of interest for the right to apply for a water access licence (category aquifer access licence)

### SECTION A: Applicant details

List all applicants – photocopy/print multiple copies of the first page of this form if more than one applicant.

#### Applicant

A1 Title (Mr, Mrs, Ms)	A2 Surname		
A3 Given name(s)			
A4 Corporation name (if applicable)			
A5 ACN (if applicable)		A6 Position held (if applicable)	
A7 Address			
A8 Town	A9 State	A10 Postcode	A11 Country
A12 Phone		A13 Mobile phone	
A14 Fax	A15 Email		

### SECTION B: Nominated price per unit share of water

The minimum price for the right to apply for a water access licence will be \$800 per unit share of water except in the Western Murray Porous Rock Groundwater Source where the minimum price will be \$500 per unit share of water.

B1 Nominate the price per unit share of water you are willing to pay for the right to apply for a water access licence	\$
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### SECTION C: Nominated number of unit shares to purchase

If your RoI is successful the nominated number of unit shares that you wish to purchase will be the annual volume that can be taken through a water access licence, subject to any available water determinations made under section 59 of the *Water Management Act 2000*.

Nominate the number of unit shares you want to purchase	unit shares
Name of groundwater source	
Zone (if applicable)	
Name of town nearest to where you propose to take water. <i>This will assist the Office of Water to determine which local office will manage any application for an access licence.</i>	

### SECTION D: Work(s) proposed to be nominated

All successful participants will be in a position to apply for a water access licence. As part of the water access licence application, there will be an option to nominate a water supply work(s) under section 71W of the *Water Management Act 2000*. It is not a requirement to nominate a water supply work; however, it is an offence to take water otherwise than by means of a nominated water supply work.

If you are a successful participant you can choose to have a pre-assessment undertaken of the proposed work type and location before you apply for the water access licence. This will not constitute the full assessment under section 71W, but will give the successful participant advice as to whether or not an application under section 71W could be granted.

If you do not choose to have a pre-assessment undertaken this will not prevent you from applying to nominate a work(s) as part of the application for a new water access licence, or applying to nominate a work at a later stage.

## ANNEXURE A: Registration of interest for the right to apply for a water access licence

Registration of interest for the right to apply for a water access licence (category aquifer access licence)

Tick the appropriate box to choose one of the following: D1 or D2

I am seeking a pre-assessment of:

a water supply work(s) and I have a water supply work approval number

If you want to add several works authorised by the same work approval number, or under a different approval number, photocopy/print extra pages of the tables in D1 and attach the completed extra page(s).

Note: When an application to nominate the work(s) is made, the consent of each holder of the water supply work approval(s) will be required.

Provide the work approval number(s) for the work(s) you are seeking a pre-assessment for, and details about the work and its location.

<b>Work approval number</b>	
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Works	Provide details of work proposed to be nominated on the access licence
Work 1	
Work 2	
Work 3	

Works specified on approval number	Provide location of work proposed to be nominated							
	Lot suffix	Lot	Section	DP	Parish	County	Easting (GDA94) or Latitude	Northing (GDA94) or Longitude
Work 1								
Work 2								
Work 3								

a water supply work and no water supply work approval is required.

If you are not required to hold a water supply work approval for your work please provide details about the work and its location. The Office of Water may contact you for more information.

Works	Provide details of work proposed to be nominated
Work 1	
Work 2	
Work 3	

Works	Provide location of work proposed to be nominated							
	Lot suffix	Lot	Section	DP	Parish	County	Easting (GDA94) or Latitude	Northing (GDA94) or Longitude
Work 1								
Work 2								
Work 3								

## ANNEXURE A: Registration of interest for the right to apply for a water access licence

Registration of interest for the right to apply for a water access licence (category aquifer access licence)

### SECTION E: Declaration of applicant(s)

Each applicant must sign the completed Rol form.

If there are more applicants than spaces on this form for individuals to sign then after the form has been completed the entire form must be photocopied or printed and signed by each applicant.

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

- a) that I/We accept the *Terms and Conditions for the Controlled Allocation Order (various water sources) (No 1) 2014*;
- b) that I/We will not engage in unethical behaviour, or to seek to obtain an unfair advantage;
- c) that I/We are aware of the requirements in Part 4 of the NSW Government Code of Practice for Procurement (attached to the Terms and Conditions), that I/We have complied with those requirements in submitting this Rol and that I/We agree to provide, on request, access to all relevant information to demonstrate compliance;
- d) that I/We are aware that lodgement of this Rol does not necessarily mean that a licence will be granted when it is applied for and that if successful in gaining the right to apply, I/We will need to lodge a licence application which will be determined consistent with the requirements of the relevant water sharing plan and the *Water Management Act 2000*;
- e) that the name(s) of the person(s) lodging the Rol will be, if successful, the name(s) listed on the water access licence;
- f) that this Rol will be determined in accordance with the *Water Management Act 2000*, any associated regulations or guidelines as in force from time to time and the Terms and Conditions, and that no right or entitlement shall arise pending resolution of the Rol process;
- g) that the Crown in right of the State of New South Wales, including the NSW Office of Water 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 Rol process or any act or omission of the State in connection with this Rol process and I/we hereby agree 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;
- h) that all information contained in this Rol is accurate, true and complete and that the Crown in right of the State of New South Wales, including the NSW Office of Water and its officers, employees, agents and successors ('the State') will rely on such information;
- i) that the State does not provide any legal, financial or technical advice in connection with this Rol and that any such advice, if required, is to be obtained independently; and
- j) that if this Rol is incomplete it may not be accepted.

#### For Rols made by individuals

Name	Signature	Date
Name	Signature	Date
Name	Signature	Date

**For Rols 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):**



## ANNEXURE A: Registration of interest for the right to apply for a water access licence

Registration of interest for the right to apply for a water access licence (category aquifer access licence)

Name of company/corporation		
Position of signatory <i>(Tick the appropriate box)</i> <input type="checkbox"/> company director <input type="checkbox"/> company secretary <input type="checkbox"/> duly authorised officer		
Name of signatory	Signature	Date
Position of signatory <i>(Tick the appropriate box)</i> <input type="checkbox"/> company director <input type="checkbox"/> company secretary		
Name of signatory	Signature	Date

### 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 by the NSW Office of Water for assessing and processing your RoI or in connection with the operation of any water access licence granted following the RoI process 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. It may be used from time to time to contact you about services the Office of Water provides.

### SECTION E: Application fee

An application fee of \$150 must be paid if you want to lodge a Registration of Interest for the right to apply for a water access licence (category aquifer access licence).

If you want to pay by credit card complete the details on the credit card payment slip on the next page.

## ANNEXURE A: Registration of interest for the right to apply for a water access licence

Registration of interest for the right to apply for a water access licence (category aquifer access licence)

### SECTION F: Payment of application fee

If you would like to make your payment by credit card please complete the following credit card details.

Card type	<input type="checkbox"/> MasterCard			<input type="checkbox"/> Visa		
Card number						
Expiry date (month/year xx/xx)		/				
Amount (\$)	\$					
Cardholder's name <small>(as it appears on the card)</small>						
Cardholder's signature					Date	
Email address for receipt of payment						

## ANNEXURE B: Certificate of right to apply for an access licence



Department of  
Primary Industries  
Office of Water

### Certificate of right to apply for an access licence

Certificate number:

#### **Controlled Allocation of Access Licences under section 65 of the *Water Management Act 2000* - various water sources**

On 4<sup>th</sup> September, 2014 an Order was made by me as delegate of the Minister for Natural Resources, Lands and Water ("the Order") under section 65 of the *Water Management Act 2000* declaring that the right to apply for access licences in various water sources was to be acquired by a Registration of Interest process conducted on the basis of terms and conditions specified in the Order.

A Registration of Interest process was undertaken according to the Order and the person(s) specified in Schedule 1 of this Certificate were the successful participant(s) ("the Applicant(s)").

I certify that the Applicant(s) have acquired the right to apply, under section 61(1)(c) and section 65 of the *Water Management Act 2000*, for a water access licence in the water source as specified in Schedule 2.

Executed:

**Michael Bullen**  
Deputy Director General  
NSW Department of Primary Industries

### Important note

This right is subject to the following qualifications:

- a) the right that is granted by this Certificate is the right to apply for a water access licence in the water source specified. This does not necessarily mean that a licence will be granted when it is applied for. The Applicant's licence application will be assessed and determined on its merits consistent with the requirements of the relevant water sharing plan and the *Water Management Act 2000*; and
- b) the Applicant may be required to obtain further approvals in order to access and use the water. These may include, for example, a water supply work approval and/or a use approval under the *Water Management Act 2000* or an approval/consent under the *Environmental Planning and Assessment Act 1979*. If a licence is granted, the successful participant will also need to apply to nominate a water supply work under section 71W of the *Water Management Act 2000* in order to lawfully take water; and

## ANNEXURE B: Certificate of right to apply for an access licence

- c) the Applicant's licence application will also be conditional upon the Applicant complying with the Terms and Conditions; and
- d) In particular, this right is conditional on the Applicant:
- i. lodging a licence application; and
  - ii. paying the application fees for the licence and the total purchase price set out below within the time period set out in the Terms and Conditions.

Licence Application Fee (Administration)	\$575.04
Total purchase price	\$ [to be inserted]

**Certificate number:**

### Schedule 1

**Name and address of Applicant(s)**


### Schedule 2

Water Source	[to be inserted]
Zone (if applicable)	[to be inserted if applicable]
Category of access licence (if granted)	Aquifer access
Share component of licence (if granted)	[XX] shares
Price to be paid per share	\$ [XX]

## ANNEXURE C: Application for a new water access licence pursuant to a right acquired following a controlled allocation order



**Department of  
Primary Industries**  
Office of Water

### Application for a new water access licence pursuant to a right acquired following a controlled allocation order

Use this form to apply for a new water access licence pursuant to section 61(1)(c) of the *Water Management Act 2000*. The right to apply for a water access licence can be acquired following a controlled allocation order being made under section 65 of the *Water Management Act 2000*.

A water access licence 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 work approval, respectively.

If a water access licence is granted further approvals may need to be obtained before accessing and using the water.

The NSW Office of Water may request further information in relation to the application.

An application for a water access licence will be assessed and determined on its merits consistent with the requirements of the relevant water sharing plan and the *Water Management Act 2000*. A licence will not necessarily be granted when it is applied for.

**Read the guide to complete this application form**

Applicants are advised to read the guide which includes the following:

- information required to answer each question
- how to apply (online or by typing directly into a 'fillable' PDF form)
- how to pay application fees
- how to submit an application

**Download latest Adobe Reader to save a 'fillable' PDF application form**

Download *Adobe Acrobat Reader* (version 11 or higher) free of charge. This will enable you to fill in part of the 'fillable' PDF application form, save it and complete it later.

**Print the completed application form which must be signed by all applicants.**

**Register a dealing with Land and Property Information**

If the Minister grants consent to this dealing it does not take effect until it has been registered in the Water Access Licence Register which is administered by Land and Property Information (LPI). The applicant is responsible for registering a dealing with LPI.

<b>OFFICE USE ONLY</b>	Fee paid: \$	Customer receipt number:	<b>Office Stamp</b>
	Officer signature:	Date:	
	Application number:	Acceptance date:	

## ANNEXURE C: Application for a new water access licence pursuant to a right acquired following a controlled allocation order

*Application for a new water access licence pursuant to a right acquired following a controlled allocation order*

### SECTION A: Applicant details

List all applicants – photocopy/print multiple copies of the form if more than two applicants.

#### Applicant

A1 Title (Mr, Mrs, Ms)		A2 Surname	
A3 Given name(s)			
A4 Company/corporation name (if applicable)			
A5 ACN		A6 Position held	
A7 Address			
A8 Town		A9 State	A10 Postcode
A12 Phone		A13 Mobile phone	
A14 Fax		A15 Email	

#### Additional applicant (if applicable)

A16 Title (Mr, Mrs, Ms)		A17 Surname	
A18 Given name(s)			
A19 Company/corporation name (if applicable)			
A20 ACN		A21 Position held	
A22 Address			
A23 Town		A24 State	A25 Postcode
A27 Phone		A28 Mobile phone	
A29 Fax		A30 Email	
A31 If more than two applicants, specify total number of applicants			

### SECTION B: Authorised contact person (optional)

**Note:** If there is only one applicant you do not need to complete Section B.

Listing an authorised contact person assists the Office of Water in dealing with your application. The Office of Water may contact the authorised contact person to discuss the details contained in your application. Any information provided by the authorised contact person will be relied upon by the Office of Water in considering this application. In addition, any request for additional information will be sent to the authorised contact person. A delay in responding to any such request may result in your application being further delayed or refused.

The Office of Water may continue to contact the authorised contact person in relation to any licence that may arise out of this application, unless otherwise notified to us by you and will rely on any information provided by the authorised contact person in relation to the licence.

B1 Title (Mr, Mrs, Ms)		B2 Surname	
B3 Given name(s)			
B4 Address			

## ANNEXURE C: Application for a new water access licence pursuant to a right acquired following a controlled allocation order

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

B5 Town	B6 State	B7 Postcode	B8 Country
B9 Phone		B10 Mobile phone	
B11 Fax	B12 Email		

### SECTION C: Controlled allocation order

Attach a copy of the certificate of right to apply for an access licence under section 65 of the *Water Management Act 2000* pursuant to which this application is being made.

C1 Copy of the certificate of right to apply for an access licence and relevant schedules is attached  Yes  No

### SECTION D: Water access licence tenancy

Tick the appropriate box – relates to applicants listed in Section A.

D1 Licence to be held by: <input type="checkbox"/> sole holder <input type="checkbox"/> joint tenants <input type="checkbox"/> tenants in common*		
* If the water access licence is to be held by Tenants in Common specify details:		
D2 Name	to hold	fraction of licence
D3 Name	to hold	fraction of licence

Photocopy/print multiple copies of the form if more than two applicants.

### SECTION E: Nominating a work(s)

This section gives you the option to nominate a water supply work(s) on the water access licence. It is not a requirement to nominate a water supply work at this time; however, it is an offence to take water otherwise than by means of a nominated water supply work. Refer to the guide for more information.

You can nominate a water supply work or group of water supply works even though an approval may not be required for the work(s) under the *Water Management Act 2000*. For more information on nominating a water supply work where there is no water supply work approval refer to the guide.

Tick the appropriate box/Select the correct option to choose one of the following: E1, E2 or E3.

I want to:

E1  nominate a water supply work(s) (I have a water supply work approval number)

If you want to add several works under the same work approval number, or under a different approval number, photocopy/print extra pages of the tables in E1 and attach the completed extra page(s).

**Note:** The consent of each holder of a water supply work approval(s) must be attached. See Section F: Declaration of approval holder(s).

## ANNEXURE C: Application for a new water access licence pursuant to a right acquired following a controlled allocation order

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

Provide the work approval number(s) for the work(s) you want to nominate and details about the work and its location.

<b>Work approval number</b>	
-----------------------------	--

Works	Provide details of work to be nominated on the access licence
Work 1	
Work 2	
Work 3	

Works specified on approval number	Provide location of work to be nominated							
	Lot suffix	Lot	Section	DP	Parish	County	Easting (GDA94) or Latitude	Northing (GDA94) or Longitude
Work 1								
Work 2								
Work 3								

<sup>E2</sup> nominate a water supply work (no water supply work approval is required).

If you do not hold a water supply work approval please provide details about the work and its location. The Office of Water will contact you for more information.

Works	Provide details of work to be nominated as specified on the access licence
Work 1	
Work 2	
Work 3	

Works	Provide location of work to be nominated							
	Lot suffix	Lot	Section	DP	Parish	County	Easting (GDA94) or Latitude	Northing (GDA94) or Longitude
Work 1								
Work 2								
Work 3								

<sup>E3</sup> not nominate a water supply work at this time.



## ANNEXURE C: Application for a new water access licence pursuant to a right acquired following a controlled allocation order

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

### SECTION F: Declaration of applicant(s)

Each applicant must sign the completed form.

If there are more applicants than spaces on this form for individuals to sign then after the form has been completed the entire form must be photocopied or printed and signed by each applicant.

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

- a) that I/We apply for a new water access licence under section 61(1)(c) pursuant to a right acquired following a controlled allocation order being made under section 65 of the *Water Management Act 2000* as described in this application;
- b) 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;
- c) that the authorised contact person (where applicable) is authorised to act for and on my behalf in relation to any aspect of this application and licence arising out of this application unless otherwise notified to us, and that the Office of Water will rely on information provided by the authorised contact person in its consideration of this application and any subsequent matters relating to the licence;
- d) that the Crown in right of the State of New South Wales, including the NSW Office of Water 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 and I/we hereby agree 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;
- e) that all information contained in this application is accurate, true and complete and that the Crown in right of the State of New South Wales, including the NSW Office of Water and its officers, employees, agents and successors ('the State') will rely on such information;
- f) 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;
- g) that details about any licence arising out of this application will be recorded in the publicly available Water Access Licence Register pursuant to the *Water Management Act 2000*;
- h) that if this application is incomplete it may not be accepted; and
- i) that more information may be requested if it is considered that it would be relevant to the consideration of this application.

**For applications made by individuals**

Name	Signature	Date
Name	Signature	Date
Name	Signature	Date

## ANNEXURE C: Application for a new water access licence pursuant to a right acquired following a controlled allocation order

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

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):

Name of company/corporation		
Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary <input type="checkbox"/> duly authorised officer <small>(Tick the appropriate box/Select the correct option)</small>		
Name of signatory	Signature	Date
Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary <small>(Tick the appropriate box/Select the correct option)</small>		
Name of signatory	Signature	Date

### Declaration of approval holder(s)

Each holder of the work approval number(s) listed in Section E and below must sign this section of the form.

If there are more approval holders than spaces on this form for individuals to sign then after the form has been completed the entire form must be photocopied or printed and signed by each approval holder.

I/We, the undersigned, acknowledge and agree:

- a) that I/We are the holder(s) of the approval referred to below;
- b) that I/We consent to the water supply work(s) listed on the approval being specified as a work(s) by means of which water credited to the water access licence being applied for in this application may be taken;
- c) that all information contained in this application relating to the approval(s) is accurate, true and complete and that the Crown in right of the State of New South Wales, including the NSW Office of Water and its officers, employees, agents and successors ('the State') will rely on such information;
- d) 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 any approval arising out of this application will be recorded in the publicly available Register of Water Approvals pursuant to the *Water Management Act 2000*.

Work approval number(s)
-------------------------

**For applications made by individuals:**

Name	Signature	Date
Name	Signature	Date
Name	Signature	Date
Name	Signature	Date
Name	Signature	Date

## ANNEXURE C:

### Application for a new water access licence pursuant to a right acquired following a controlled allocation order

*Application for a new water access licence pursuant to a right acquired following a controlled allocation order*

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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):

Name of corporation		
Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary <input type="checkbox"/> duly authorised officer (Tick the appropriate box/Select the correct option)		
Name of signatory	Signature	Date
Position of signatory <input type="checkbox"/> company director <input type="checkbox"/> company secretary (Tick the appropriate box/Select the correct option)		
Name of signatory	Signature	Date

#### 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 by the NSW Office of Water 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. It may be used from time to time to contact you about services the Office of Water provides.

If a water access licence is granted, the *Water Management Act 2000* requires that various details relating to the licence are to be recorded in the Water Access Licence Register kept by the Minister. Information recorded in the register is publicly available.

#### Offences and suspension or cancellation

It is an offence, under section 344 of the *Water Management Act 2000*, to make a statement that you know to be false or misleading in, or in connection with this application. A corporation found guilty of an offence against section 344 is liable to a penalty not exceeding \$1.1 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$247,500.

An access licence or approval may be suspended or cancelled under the *Water Management Act 2000* in certain circumstances. These include if the holder of the licence or approval is convicted of an offence under that Act.



**ANNEXURE D:  
Extract of Part 4 of the NSW Government Code of Practice  
for Procurement**

All parties will behave in accordance with the following standards at all times:

<b>Honesty and fairness:</b>	Parties will conduct all procurement and business relationships with honesty and fairness.
<b>Accountability and transparency:</b>	The process for awarding contracts on government projects will be open, clear and defensible.
<b>No conflict of interest:</b>	A party with a potential conflict of interest will declare and address that interest as soon as the conflict is known to that party.
<b>Rule of law:</b>	Parties shall comply with all legal obligations.
<b>No anti-competitive practices:</b>	Parties shall not engage in practices that are anti-competitive.
<b>No improper advantage:</b>	Parties shall not engage in practices that aim to give a party an improper advantage over another.
<b>Intention to proceed:</b>	Parties shall not seek or submit tenders without a firm intention and capacity to proceed with a contract.
<b>Co-operation:</b>	Parties will maintain business relationships based on open and effective communication, respect and trust, and adopt a non-adversarial approach to dispute resolution.

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