SWC891431

Application to assign unregulated water allocation

Application for Minister's consent under sections 71T and 71V of the *Water Management Act 2000*

Details of fees payable and lodgement procedures are provided overleaf, further details can also be found at waternsw.com.au. Applicant(s) should refer to these notes prior to submitting an application. All parties acknowledge that the application will be managed in accordance with these procedures.

WARNING: PENALTIES APPLY FOR FALSE DECLARATIONS

Part 1 Trade information (volume/sale price)

All fields mandatory.

Volume/AWD (one decimal point only) ☐☐☐☐☐ . ☐ ML

Sale price $ ☐☐☐☐ . ☐☐ per ML

Date price agreed ☐☐/☐☐/☐☐☐☐ (Strike date)

Please indicate the purpose of this trade by using the trade purpose classification table on page 2:

Reason for trade # ☐

If other, please specify below:

Part 2 Seller(s) details and authorisation

Seller(s) licence number

☐☐☐☐☐☐☐☐☐☐

e.g. 50AL000001 or 60AL000001 or 70AL000001

Licence holder name(s)

Is this licence owned by/associated with a water broker? ☐ Yes ☐ No

Type of licence/holding: ☐ Consumptive ☐ Environmental

I/We confirm that the information provided for the purpose of this application is true and accurate and that there is sufficient water available in this licence's water allocation account to proceed with the application.

Please check all those that apply.

☐ I am/We are holder(s) of this water access licence.
☐ I am/We are authorised to make this application on behalf of the holders(s) of this licence.
☐ I am/We are authorised to make this application on behalf of the Corporation holding this licence.
☐ All holders of this licence have consented to this dealing (to include additional signatures attach Annexure 1).

Print the name(s) of the person(s) signing, insert date, sign and complete the contact details below.

Applicants name | **Date** ☐☐/☐☐/☐☐☐☐ | **Signature**

Applicants email | **Phone**

See *Information for parties to dealings* section 14 for agent obligations.

Part 3 Buyer(s) details and authorisation

Buyer(s) licence number

☐☐☐☐☐☐☐☐☐☐

e.g. 50AL000001 or 60AL000001 or 70AL000001

Licence holder name(s)

Is this licence owned by/associated with a water broker? ☐ Yes ☐ No

Type of licence/holding: ☐ Consumptive ☐ Environmental

I/We confirm that the information provided for the purpose of this application is true and accurate.

☐ I am/We are holder(s) of this water access licence.
☐ I am/We are authorised to make this application on behalf of the holder(s) of this licence.
☐ I/We have a compliant meter on every water supply work nominated on the water access licence, or an exemption in accordance with the Access Licence Dealing Principles Order 2004 Clauses 17 & 19. (Refer to item 19 INFORMATION FOR PARTIES TO DEALINGS)
☐ I/We acknowledge that errors or misleading information on compliant meters or on exemptions may cause the dealing to be refused consent by the Minister or deemed a prohibited dealing under the *Water Management Act 2000*, and WaterNSW is released from any actions, liabilities, costs, claims, demands or legal proceedings commenced or incurred because of errors or misleading information on compliant meters.

Print the name(s) of the person(s) signing, insert date, sign and complete the contact details below.

Applicants name | **Date** ☐☐/☐☐/☐☐☐☐ | **Signature**

Applicants email | **Phone**

See *Information for parties to dealings* section 14 for agent obligations.

Part 4 Broker authorisation statement (if applicable)

Broker statement (seller): I am a water broker acting on behalf of the nominated licence holder and have been authorised to make this application on behalf of the holder/s of the licence. I will provide evidence of this authorisation upon request.

Broker name | **Broker signature**

Broker email

Broker statement (buyer): I am a water broker acting on behalf of the nominated licence holder and have been authorised to make this application on behalf of the holder/s of the licence. I will provide evidence of this authorisation upon request.

Broker name | **Broker signature**

Broker email

Part 5 Trade purpose classification (you cannot select a purpose with an asterisk* if your sale price is $0)

1. Standard commercial*
2. Forward contract*
3. Carryover parking*
4. Carryover parking return
5. Related party
6. Compensation trade for outcome delivery
7. Private lease arrangement (not 71M)*
8. Allocation trade as part of share transfer*
9. Environmental use
10. Returned unused environmental water
11. Government program
12. Other (specify in Part 1)

Part 6 Payment options

Applications including the appropriate application fee may be paid by credit card, cheque or money order (made payable to WaterNSW). To calculate your application fee please go to waternsw.com.au/trading

To pay this via credit card please go to payway.com.au/make-payment and make your payment using biller code 228627.

For any issues, please call our Customer Service Centre on 1300 662 077 and choose option 3 for temporary trade and water allocation enquiries and a Customer Service Officer will assist you.

Part 7 Seller(s) meter reading (optional – refer to notes below)

Seller(s) combined/works approval or licence number

WMA 2000 e.g. 50**WA**503000 or 40**CA**403000 (not 50AL503000)

Date of meter reading

__/__/____

Extraction site number	Pump description	Meter reading

INFORMATION FOR PARTIES TO DEALINGS

Applicant(s) should note the following information when submitting an 'Application to assign unregulated water allocation':

1. Rules and Regulations

The assignment of water allocation is considered in accordance with the rules and regulations set out in the *Water Management Act 2000* and any relevant Water Sharing Plan(s) in force at the time of the application.

Applicants should note that it is the responsibility of the persons selling (disposing of) water allocation to notify the approval authority in writing of the agreed price, either at, or before, the time the approval is sought (refer Section12.48 of the MDBA Water Trading Guidelines).

2. Fees

An application fee applies for each application. You can view the fee on our website at waternsw.com.au/trading. This fee has been set in accordance with the relevant IPART pricing determination (Trade Processing Fee Table 14 of the IPART 2021 Determination).

Application fee(s) will not be refunded if an allocation assignment has been processed and does not proceed through no fault on the part of WaterNSW Corporation or the Minister administering the *Water Management Act 2000.*

3. Execution of the application

Section 72A of the Water Management Act requires that where a licence is co-held, a dealing with that licence must be consented to by all co-holders. If this application concerns a co-held licence, WaterNSW may require evidence of consent of all co-holders. **Caution - It is an offence under Clause 344 of the *Water Management Act 2000* to provide false or misleading information with any application.**

4. Lodgement

Applications should be emailed to water.trade@waternsw.com.au or mailed to the address below:

WaterNSW
PO Box 453
DENILIQUIN NSW 2710

For any enquiries, please call our Customer Service Centre on 1300 662 077.

5. Processing times for unregulated water applications

An application to assign water allocation **may** take up to 10 working days to be finalised providing that all necessary information is supplied with the application. Incomplete or incorrect applications may result in delays or rejection of the application.

6. Supplementary unregulated water applications

Dealings for supplementary water access licences are prohibited under the rules of the Water Sharing Plans.

7. Extraction Limits

Not all water traded to some licences is available for use. In some cases extraction limits apply that limit usage within a water year. For more information please contact WaterNSW on 1300 662 077.

8. Incomplete applications

WaterNSW will return all applications deemed to be incomplete.

- Where a broker has been nominated to act on behalf of the applicants, the broker will be notified. Applications will be deemed incomplete and the application returned if the buyer and seller sections are not completed on the same form.

- **Brokers must complete Part 4** as well as list their details in Part 2 and 3. Part 4 is a standalone statement we use for compliance purposes.
- **Trade Price** is a requirement for every application to have a sale price indicated in Part 1. If the price is NIL ($0), the box indicating same MUST be ticked. Under **Part 5 - Trade purpose classification**, those reasons with an asterisk* **MUST not** have $0 as the price.

Reasons for trade to comply with MDBA guidelines, every application must have indicated a reason for the allocation assignment. The reasons are:

1. Standard commercial*
2. Forward contract*
3. Carryover parking*
4. Carryover parking return
5. Related party
6. Compensatory trade for outcome delivery
7. Private lease arrangement (not 71M)*
8. Allocation trade as part of share transfer*
9. Environmental use
10. Returned unused environmental water
11. Government program e.g. Water for Fodder
12. Other

For a description for each of these reasons, see the Trading Water FAQ's on the WaterNSW website waternsw.com.au

9. Multiple licences

A separate application form **must** be completed for each assignment of water allocation between multiple licences. Applications combining more than one licence will be returned.

10. Meter readings

Sellers are encouraged to submit current meter readings (Part 7) with each Application to assign unregulated water allocation.

Applications submitted without supplying a current meter readings will be processed according to the information available to WaterNSW. An application to approve an assignment which exceeds the account will be returned.

11. Returned applications

In some cases (subject to WaterNSW's discretion), incorrect or incomplete applications will be returned to the applicant. Where a broker has been nominated to act on behalf of the applicant(s), the application will be returned to the broker.

Applicant(s) will be given a period of 10 working days to return the corrected application. Corrected applications received after this time will not be accepted and the application will be considered refused and the fee forfeited.

12. Amendments to an application

Amendments to an application will not be accepted once an application is registered in WaterNSW's Water Accounting System. Applicants wishing to make an amendment to an application must withdraw the application and lodge a replacement application and fee.

There is no scope to amend an application once the application has been finalised by WaterNSW.

13. Withdrawal of an application

Applicant(s) wishing to withdraw an application must notify WaterNSW in writing. The consent of both seller and buyer (or agent) must be provided before WaterNSW will withdraw an application.

14. Notification of application finalisation

Applicant(s) will be notified in writing upon finalisation of the application. Where an agent(s) has lodged the application, the agent(s) will be notified. **Agents should note that if an agent email address is not provided, WaterNSW will not provide notification on status/finalisation of the application to the agent.**

Agents are obligated to pass on any Dealing confirmations from WaterNSW to the Licence Holder.

15. Disputes

An application can only proceed if made by/on behalf of both buyer and seller. WaterNSW will not finalise an application if either a buyer or seller advises of a withdrawal from the application. In such cases, WaterNSW will cease to process the application for a period of time which will be specified. This will allow both parties a reasonable period of time in which to resolve any dispute. If there is no resolution within the specified time, WaterNSW will regard the application as withdrawn.

During periods of dispute, the volume of water associated with the application will be unavailable for use by both buyer and seller until the application is either finalised or withdrawn.

16. Finances

It is the responsibility of the applicants to arrange financial settlement for the water assigned.

17. Penalty provision

It is an offence under Clause 344 of the *Water Management Act 2000* to provide false or misleading information with any application.

18. 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 for assessing and processing your application and may be disclosed to public authorities and other authorised parties as required. The *Water Management Act 2000* requires that, should your application be granted, details of the water access licence will also appear in a public water access licence register.

19. Compliant water meters

a. If the dealing would cause the sum of water allocations credited to the assignee's water allocation account in that water year to be more than 15ML but less than 100ML, unless each water supply work nominated on the assignee's access licence has a meter that complies with the relevant metering equipment standards ('pattern-approved meter'), it will be a prohibited dealing under the *Water Management Act 2000.*

b. If the dealing would cause the sum of water allocations credited to the assignee's water allocation account in that water year to be 100ML or more, unless each water supply work nominated on the assignee's access licence has a meter that complies with the metering equipment standards under Schedule 5 of the Water Management (General) Regulation 2025 ('AS4747 compliant meter that has been validated by a duly qualified person and is fitted with a local intelligence device (LID) and telemetry'), it will be a prohibited dealing under the *Water Management Act 2000.*

Exemptions could apply according to the Access Licence Dealing Principles Order 2004 Clauses 17 & 19.

Licences without any linked work approvals and other states buyers are also considered exempt from compliant water meters.