

**Guidelines – Application by an entity
for licence to take water***(Water Act 2000) s206(4)***Purpose of the Form**

The application form is a document approved for use within the state of Queensland under the provisions of the *Water Act 2000*. Under this legislation, this department's chief executive may grant water licences for taking water and interfering with the flow of water.

This form is used where an entity wishes to take and use water from either a watercourse, lake or spring on or adjoining land; or from an aquifer under any land; or (in certain defined areas) water which flows across any land. For example, before commencing any activity which would result in water being taken for the first time or would increase the amount of water currently authorised to be taken; the owner of the land should make prior application by completing and lodging this form.

An entity who is already a licensee under the *Water Act 2000* or holds a licence issued under previous legislation (for instance a licence for works issued under the *Water Resources Act 1989*) can also use this form to apply to amend the existing licence.

The form is not used where the activity will solely result in interference with the flow of water in a watercourse or interference with the flow of water across land. For example a weir or off-stream water storage. Interference of this nature will usually require a water licence, but application is to be made on a different approved form.

Unless otherwise indicated, all parts of the form should be completed. The department may require the applicant to provide additional information. You will be contacted if this is the case.

Approval of this application does not authorise construction or installation of the works or any associated development. Where required, an application must be made for a development permit under the *Integrated Planning Act 1997*. These forms are available from this department, your local government customer service office, or can be found on the Integrated Development Assessment System web site <www.ipa.qld.gov.au>.

PART A Licence Information

If the application is to amend an existing licence, then the 'Yes' box should be clearly ticked and the number of the existing licence must be entered. If possible, a copy of the licence should be provided.

PART B Applicant Details

Under section 206(4) of the *Water Act 2000*, an entity is defined as:

- (a) the State
- (b) a local government
- (c) a water authority
- (d) a resource operations licence holder
- (e) an interim resource operations licence holder
- (f) a petroleum tenure holder
- (g) or an entity prescribed under a regulation.

PART B Applicant Details (Cont'd)

The applicant details part of this form must be completed as follows:

Name

For one individual, clearly write in upper case the applicant's full name as given names followed by surname.

For example PAUL JOHN SMITH

For two individuals, clearly write the full name of all individuals as given names followed by surname, both persons separated by a semi-colon.

For example PAUL JOHN SMITH; TINA ROSE JONES

For a number of individuals clearly write all the full names as given names followed by surname as a list, the full name of each person should be separated by a semi-colon

For example: PAUL JOHN SMITH; TINA ROSE JONES; LISA MARY
SMITH; PETER FREDRICK WATSON; PETER FREDERICK WATSON AS
TRUSTEE

Where the applicant is a corporation, write the complete name of the incorporated body. All persons completing the application on behalf of a corporation must provide their Australian Company Number (ACN).

For example PAUL JOHN SMITH PTY LTD

For incorporated associations, use the authorising officer's name

For example PAUL SMITH ACTING UNDER THE AUTHORITY OF THE
BUNYA MOUNTAINS BRIDGE SOCIETY INC

For other legal entity names or bodies holding land under trust.

THE STATE OF QUEENSLAND (REPRESENTED BY)

Attention (Optional)

If necessary, use this section to write the title of the position held by a person acting for the applicant. This information is usually only necessary for corporations or similar bodies.

For example THE MANAGING DIRECTOR

Mailing Address

Information provided within these sections of the form will be used for the service of all official documents and any correspondence relating to the application. Enter the information as you would want it to appear on an envelope addressed to the applicant.

For example UNIT 3
12 SHORT STREET
ROCKHAMPTON QLD 4370

Contact Person's Details

You should use this section to provide the department with the details of one nominated contact person. If required, information provided within these sections of the form will be used for personal or telephone contact about matters relevant to the application.

PART C Source and Location of Water

This part is used to specify what water is to be taken and to state the location from which water is to be taken.

Source of water

Where water is to be taken from a watercourse, lake or spring, tick the first box and write the name of the watercourse where indicated.

Tick the appropriate box if artesian water or subartesian underground water is to be taken. It will assist the department if you can provide the geological name of the aquifer(s) from which the underground water is to be taken. If this information is not known to you at this time, then indicate the target depth you wish to drill to.

Note that 'artesian water' means water that occurs naturally in, or is introduced artificially into, an aquifer, which if tapped by a bore, would flow naturally to the surface. 'Subartesian water' means water that occurs naturally in, or is introduced artificially into, an aquifer, which if tapped by a bore, would not flow naturally to the surface.

In certain areas of Queensland the taking and/or interfering with water that flows across land other than in a watercourse may be subject to the making of an application for a water licence. Tick the 'Overland Flow' box if your application falls into this category.

Location of water

The applicant must also complete the lot and plan boxes to describe the land where the water will be taken from. In the case of a watercourse, lake, spring or overland flow this will be the parcels of land owned by the applicant that are on or that adjoin the point from which the applicant wishes to take the water. In the case of underground water, this is the land directly above the aquifer, and may comprise more than one parcel of land.

The parcels of land should be described in the same manner as used in Part C above. Use the description of the nearest land parcel and tick the 'Adjacent to' box where it is not obvious that the place or point from which the water is to be taken cannot properly be described by a 'lot on plan' parcel description.

A valid application can be made where the applicant does not own one or all of the land parcels from which the water is to be taken. To allow the application to proceed, all the owners of land between the proposed point of taking the water and the applicant's land must agree in writing to give the applicant a registerable lease or easement over the owner's land for the purpose of taking the water and delivering it to the applicant's land. If 'Yes' is ticked indicating that intervening land is not owned by the applicant between the proposed point of taking the water and the land on which the water is to be used, the applicant will need to contact their nearest DERM office to determine if written agreements or additional details are required to be submitted with the application.

Applicants should, to the best of their ability, complete the sketch plan on the application, or alternately provide a cadastral map with the relevant features clearly marked.

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Use the appropriate tick box to indicate which of the purposes listed will apply to the proposed taking of water. More than one box may be ticked.

Industrial users, or other applicants who may need to have special factors considered as part of the application, should attach specific details of the proposal (such as a project plan) which will be used to assist the department in assessing the application.

Applicants are advised that under the legislation, the chief executive must, amongst other things, consider:

- existing water entitlements and authorities to take or interfere with water
- any information about the effects of taking, or interfering with water on natural ecosystems
- any information about the effects of taking, or interfering with, water on the physical integrity of watercourses, lakes, springs or aquifers
- policies developed in consultation with local communities for the sustainable management of local water
- the sustainable resource management strategies and policies for the catchment, including, any relevant coastal zone
- the public interest.

In order to properly meet these provisions, the department may require the applicant to provide additional information about the application.

PART E Water Requirement

The information provided in this part is used to generally assess the impact of the proposed scheme.

Irrigators should describe the water requirement of the crop(s) which is to be provided by taking the water required under this application. Other water users should provide the volume and frequency (per day, week, or year) at which the water required under this application is proposed to be taken. As mentioned specific details of the proposal (such as a project plan) may be required to assist the department in assessing the application.

PART F Amount of Water

The information provided in this part is also used to assess the impact of the proposed scheme, and if granted, will assist the department to arrive at an appropriate level of annual entitlement.

Irrigators should estimate the annual water requirement of the crops listed in Part F; the rate at which it is anticipated the water will be taken from the location described in Part D to meet this requirement, and the total area to be irrigated.

Other water users should provide the annual water requirement for the scheme and the rate at which it is anticipated the water will be taken from the location described in Part D to meet this requirement.

PART G Comments

This part is used where the applicant wishes to provide any further comments or information that may be of assistance in assessing this application. Refer to a separate attachment if insufficient space has been provided.

PART H Declaration

Parties to the application listed in Part B, must complete and sign the declaration. This means that all the owners should sign where the land described in Part C is held by a number of registered proprietors or lessee.

All persons signing on behalf of a corporation must sign before a witness and provide their Australian Company Number (ACN).

Materials submitted in support of this application are part of the application and can be copied and made available to the public as required under section 208(4)(b) of the *Water Act 2000*. By signing the declaration, all parties provide consent for any supplied information considered to be commercial-in-confidence or copyright to be copied and made available only for the purposes of the licence application, including notification to and consultation with the public and other relevant government agencies.

Use of this Information

This information is collected under the authority of the *Water Act 2000* and the *Integrated Planning Act 1997* for the purpose of ensuring the sustainable management and efficient use of water and other resources. This application will be publicly viewable in the period in which people may make submissions. The instrument of the water authority will be placed on a publicly searchable register under section 1009 of the *Water Act 2000*. If a submitter chooses to apply for an internal review of the department's decision on this application, your name and address will be provided to them, so that they may provide you with notice of their application for internal review.

Checklist

The following checklist has been provided to assist you in completing this application. Ensuring that you have satisfied all of the following requirements will help avoid delays in the processing of your application.

- All parts of the form are completed (including the sketch plan).
- All parts of the form relating to lot and plan contain the correct real property descriptions. Failure to supply accurate details may render a subsequent licence invalid.
- The application form is signed by all parties.
- A copy of an Agreement from all intervening land owners to enter into a Registered Lease or Easement is attached where the application is for taking or supplying water with respect to land that is not owned by the applicant.
- The prescribed fee is enclosed.