

Buying or selling a property

Fact sheet

When buying a property that has an approval issued by WaterNSW such as a bore or pump, buyers may be required to take action depending on the type of approval that has been issued previously. This fact sheet will help you understand what you need to do when buying and selling a property in relation to water access.

Approved for domestic and/or stock use

An approval for domestic and/or stock use will transfer automatically with the property upon settlement. When the transfer of land title is registered with NSW Land Registry Services (LRS), WaterNSW is notified of the change and the buyer will be issued with an updated Statement of Approval. Note: A specific purpose water access licence (WAL) for domestic and/or stock which is linked to an approval must stay with the property as it is issued specifically for that holding. This will not transfer automatically as it is a separate title to the land, so you will need to lodge a transfer application form - 71M direct with LRS.

Approved for irrigation or other commercial purpose

If the property purchased has an approved work for irrigation or any other commercial purpose, and the buyer is planning to continue water use for that purpose, they will need to have an appropriate WAL and an approval nominated to that WAL.

- Water access licence (WAL) - As sellers can decide if the WAL is part of the sale, buyers will need to check with their solicitor if the water entitlement is included in the contract of sale. The solicitor needs to ensure the title for the WAL is transferred with LRS at the same time as the land.
- Approval - The approval transfers automatically with the property on settlement. WaterNSW is notified of the sale and issues an updated Statement of Approval. The buyer will be asked to acknowledge receipt.

If not, the buyer will need to obtain a zero share WAL and go to the market and buy water (unless using it for stock and domestic purposes).

No approval for a bore

If there is a bore on the property you have purchased and you are unsure if it is authorised by an approval, you can check on the NSW Water Register by using the Lot/DP details.

If the bore is not approved, you can lodge an application with WaterNSW. Do not take water until an approval is in place, as doing so may be a breach of the *Water Management Act 2000*.

If the bore is not required, you can register it as 'inactive' which will exempt you from any groundwater requirements e.g. installing metering equipment.

Sold your property, but still receiving bills?

If you are still receiving a bill after selling a property, it means that the transfer of the title for your WAL has not been completed by the solicitor as part of the settlement. To transfer your WAL to the buyer, you will need to lodge a transfer application form - 71M direct with LRS. Until this happens, you will remain the holder of the WAL and continue to be billed.

Note: If a seller is planning to sell a portion of an existing property, they will need to make changes to any approvals held with LRS, prior to the sale. Otherwise, approvals for the whole property may be transferred to the buyer of the portion sold.

Need help?

If you need more information, please contact our Customer Service Centre on **1300 662 07**, Monday to Friday between 8am-5pm or email Customer.Helpdesk@waternsw.com.au