

Application for a Permanent Transfer (all or part) of a Licence to Take and Use Unregulated Surface Water / Groundwater within the Upper Ovens River Water Supply Protection Area



What is this application form for?

Use this form to make application to transfer all or part of a Licence to Take and Use Water and Operate Works permanently under section 62 *Water Act* 1989 (Vic).

What to do:

- Read the accompanying explanatory notes and refer to the current fee schedule (which can be obtained by calling 1800 013 357 or downloaded from www.gmwater.com.au) before you complete the form.
- Visit www.gmwater.com.au or contact GMW to access information about permanent transfer rules in your area.
- Complete the form in full ensuring all relevant information is provided.
- Complete the checklist. Incorrect information may result in your application being refused.
Your application will be returned if it is ineligible or incomplete.
- Send the form, any required documentation and the application fee to: Goulburn-Murray Water, PO Box 165, TATURA, VIC 3616 or email to licensingadmin@gmwater.com.au
- Goulburn-Murray Water accepts payment by cheque or credit card.

Application Checklist

Please tick or n/a	Applicants Name:
	The Application has been completed, signed by both buyer and seller including ALL persons listed on the land title/s to be included in the licence by the buyer
	Buyers & Sellers must provide a copy of the current Company Extract produced within the last twelve months if the current or proposed licensee is a Company. GMW can obtain a Company Extract on your behalf, please tick the box which is applicable: <div style="text-align: center;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> If yes, please complete the number of searches required: I require (search/es) at a cost of \$30.00 per search
	Payment of any charges outstanding on the sellers account has been made. Please contact Accounts Receivable on 1800 013 357 to confirm charges or to obtain an Information Statement.
	<p>Payment of application fees is attached including:</p> <p>Mandatory Fees</p> <div style="float: right; width: 150px;"></div> <div>Application Fee</div> <div>\$ 1,100.00</div> <p>Optional Fees</p> <div>Company Search (No of searches.....) @\$30.00 per search</div> <div>\$.....</div> <p>TOTAL PAYMENT ENCLOSED:</p> <div>\$.....</div> <p>Payment by cheque or credit card is accepted (A credit card payment authority is attached to this application form)</p>

Please Note: You may be required to advertise and GMW will contact you after lodgement of the application.

Part 1 – Sellers Licence Information

1. LICENCE DETAILS

Licence No: BEE number if Known: BEE

Management Zone: ☐ Surface Water ☐ Groundwater (please tick)

2. AGENTS DETAILS (Broker or Solicitor)

Contact person:

Postal Address:
..... Postcode:

Telephone number: () Mobile number:

Fax Number: Email:

3. APPLICANTS DETAILS – SELLER/S

Please list full names, initials are not acceptable

Applicant No 1: (Individual or company name).....

Date of Birth:/...../.....

Applicant No 2: (Individual or company name).....

Date of Birth:/...../.....

Applicant No 3: (Individual or company name).....

Date of Birth:/...../.....

Applicant No 4: (Individual or company name).....

Date of Birth:/...../.....

Postal Address:
..... Postcode:

Telephone number: () Mobile number:

Fax Number: Email:

4. VOLUME TO BE TRANSFERRED BY SELLER (mandatory)

Sellers Licence volume.....ML Volume to be transferred:ML

Please indicate if you are transferring:

☐ Whole entitlement

☐ Part entitlement

Note: If you are transferring your whole entitlement to the buyer, your existing licence will be surrendered automatically without further notice to you.

Groundwater only : The bore can be retained for domestic and stock use only or if the bore is no longer required, you can seek a licence to decommission. Please tick which is applicable:

☐ Retaining bore for Domestic/Stock use only - (no annual fees will apply)

☐ Bore/s no longer required - (an application form to decommission will be sent to you)

Surface water Only: The works (pump) can be retained or if the works are no longer required, you can seek a licence to decommission. Please tick which is applicable:

☐ All works retained - (annual fee will apply)

☐ Works to be decommissioned (an application form to decommission will be sent to you)

Total monetary Consideration (\$)

(EG. If 10 ML is being transferred at \$200.00per ML the total monetary consideration is \$2,000.00

Do you have works in place? (please circle) Yes No

Have you used water in the current irrigation season? (please circle) Yes No

Service Point Number:..... Sellers Meter Reading: (time of transfer)

Service Point Number:..... Sellers Meter Reading: (time of transfer)

Service Point Number:..... Sellers Meter Reading: (time of transfer)

Meter Reading Date:

Note: If additional service points are required please attach a separate list to this application.

5. DECLARATION OF APPLICANT/S – SELLER/S

I confirm that the information supplied in this application is complete and correct to the best of my knowledge. I am aware that it is an offence to supply false or misleading information.

I acknowledge that GMW may release information contained in this application, at the discretion of GMW to relevant parties and organisations in accordance with relevant legislation.

Signature of applicant 1

Date:

Printed name:

Signature of applicant 2

Date:

Printed name:

Signature of applicant 3

Date:

Printed name:

Signature of applicant 4

Date:

Printed name:

DECLARATION OF COMPANY

Please note: If the applicant is a Company, please ensure that the form is signed by two directors, alternatively one director and one secretary, unless there is a sole director and secretary of the company

Signed by Company (name)ACN

in accordance with section 127(1) of the Corporations Act 2001 by being signed by those persons duly authorised to sign on behalf of the company:

.....

Director

Name:

Position:

Address:

.....

.....

Date:

.....

Director/Secretary

Name:

Position:

Address:

.....

.....

Date:

Protecting your privacy

Goulburn-Murray Water (GMW) protects your privacy by collecting and handling your personal information in accordance with the requirements of the *Privacy & Data Protection Act 2014*. Your personal information is collected on this form and will be used for the purpose of administering this application and updating our records. Information collected is usually disclosed to staff involved in processing your application, contractors, connection staff and other relevant GMW staff. Failure to provide the information sought may result in processing delays or non acceptance of your application. It may also limit our ability to be able to provide various programs or services. You may gain access to and correct your personal information. For further information please refer to our Privacy Policy at www.gmwater.com.au or call 1800 013 357 to obtain a copy of this policy.

Part 2 – Buyers Licence Information

6. APPLICANT/S DETAILS – BUYER/S

Please list full names, initials are not acceptable

Applicant No 1: (Individual or company name).....

Date of Birth:/...../.....

Applicant No 2: (Individual or company name).....

Date of Birth:/...../.....

Applicant No 3: (Individual or company name).....

Date of Birth:/...../.....

Applicant No 4: (Individual or company name).....

Date of Birth:/...../.....

Postal Address:

..... Postcode:

Telephone number: () Mobile number:

Fax Number: Email:

7. LICENCE DETAILS WHERE THE WATER IS BEING TRANSFERRED TO (Buyer)

Buyers Licence No: BEE number if Known: BEE:

Buyers existing licence volume:ML Surface Water Groundwater (please circle)

8. VOLUME TO BE TRANSFERRED TO BUYER

Volume to be transferred:ML Proposed new adjusted licence volume:ML
(=current volume + purchased volume)

9. PROPOSED USE OF SURFACE WATER/GROUNDWATER

☐ Irrigation ☐ Dairy Wash / Cooling ☐ Commercial or Industrial ☐ Urban Supply

10. DESCRIPTION OF LAND ON WHICH THE WATER IS TO BE TAKEN AND USED BY THE BUYER

Property address:

Vol.:Fol:Lot No:Plan No:Crown Allotment:Section:.....

Vol.:Fol:Lot No:Plan No:Crown Allotment:Section:.....

Vol.:Fol:Lot No:Plan No:Crown Allotment:Section:.....

Parish

Note: If additional lands are required please attach a separate list to this application.

11. DECLARATION OF APPLICANT/S – BUYER/S

I confirm that the information supplied in this application is complete and correct to the best of my knowledge. I am aware that it is an offence to supply false or misleading information.

I acknowledge that GMW may release information contained in this application, at the discretion of GMW to relevant parties and organisations in accordance with relevant legislation.

Signature of applicant 1

Date:

Printed name:

Signature of applicant 2

Date:

Printed name:

Signature of applicant 3

Date:

Printed name:

Signature of applicant 4

Date:

Printed name:

DECLARATION OF COMPANY

Please note: If the applicant is a Company, please ensure that the form is signed by two directors, alternatively one director and one secretary, unless there is a sole director and secretary of the company

Signed by Company (name)ACN

in accordance with section 127(1) of the Corporations Act 2001 by being signed by those persons duly authorised to sign on behalf of the company:

.....

Director

Name:

Position:

Address:

.....

.....

Date:

.....

Director/Secretary

Name:

Position:

Address:

.....

.....

Date:

Protecting your privacy

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Assistance with completing the application form

How can I get more information or assistance with completing this form?

Read the information included below, and if you need further assistance contact the Licensing Unit between 8.00am and 4.45pm Monday to Friday

Telephone: 1800 013 357 (free call from most fixed line phones)
Facsimile: (03) 5826 3334
Email: licensingadmin@gmwater.com.au

Sellers Licence Information – Part 1

Question 1 Licence Details	Please provide the licence number for the licence to be transferred. If you do not have this number please contact the Licensing Unit to obtain the number for your licence. GMW may require you to verify your identity prior to providing this information.
Question 2 Agent Details (eg Broker or Solicitor)	If you have a solicitor or broker acting on your behalf, you must complete this section. GMW will send your nominated agent a copy of the licence.
Question 3 Applicant/s details (seller's)	All applicants must complete and sign the application form. If any of the applicants is a company, the directors must sign the form where appropriate.
Question 4 Volume to be transferred Seller	Please provide the total volume of the existing licence and the volume that is being transferred to the buyer. Please note the whole volume of the transfer must be unused for the current season. This will authorise GMW to surrender your existing licence as indicated in question 1 (licence details).
Question 5 Declaration of Applicant/s	<p>All applicants must sign the application. If any person executes the document on behalf of another person or party, they must provide evidence of their authorisation. This can be in the form of a Power of Attorney or other legal document.</p> <p>If the applicant is a company, the directors and/or secretary must sign the form. A current company copy of an ASIC Company Search listing all directors and/or office bearers which is not more than twelve months old. Two directors or one director and one secretary must sign the form, unless the company has a sole director and secretary.</p> <p>How can I obtain a copy of my Company Search? You can obtain a company search statement by:</p> <ul style="list-style-type: none">• Accessing the internet service at www.asic.gov.au or by phoning (03) 5177 3988.• Requesting that GMW complete the searches on your behalf.• Contacting your solicitor or legal advisor to conduct the search on your behalf (fees may apply).

Buyer's Licence Information – Part 2

Question 6 Applicant/s details (buyers)	All applicants must complete and sign the application form. If any of the applicants is a company, the directors must sign the form where appropriate.
Question 7 Provide licence details where the water is to be transferred to (buyer)	Provide the buyers licence number and the existing volume of the licence in ML.
Question 8 Volume to be transferred to buyer	Please indicate the volume to be transferred (must match question 4 in part 1). Also provide the new adjusted volume after the transfer. This value will be the current volume plus the purchased volume.
Question 9 Proposed use of groundwater	Applicants must provide details about the purpose for which the water is to be used.
Question 10 Description of land on which the groundwater will be used	<p><u>New Customers applying for a New Take and Use Licence for Permanent trade</u></p> <ul style="list-style-type: none"> If you do not currently hold a licence to Take and Use and Operate Works, an application for a new licence will be required prior to the approval of the transfer. The current ownership of land will be verified under the new licence application requirements therefore current copies of titles will not be required for the Permanent Trade. <p><u>Existing Customer/s who are applying for a Permanent Trade</u></p> <ul style="list-style-type: none"> If you are currently a GMW customer and have an existing Take and Use and Operate Works Licence (groundwater) that you are transferring to, current copies of titles will not be required for the Permanent Trade. If the works are located on land that is not in the applicant's ownership, written consent from the landowner is also required. Please complete Annexure 1 – Consent of Landowner. <p>A registered title search for each separate title must be provided. Rates notices are not acceptable.</p> <p>How can I get a copy of my land titles? You can obtain a registered search statement for land titles by:</p> <ul style="list-style-type: none"> Accessing the Land Titles office via the internet at www.land.vic.gov.au or phone (03) 8636 2456 Requesting that GMW complete the searches on your behalf. Contacting your solicitor or legal advisor.
Question 11 Declaration of Applicant/s	<p>All applicants must sign the application. If any person executes the document on behalf of another person or party, they must provide evidence of their authorisation. This can be in the form of a Power of Attorney or other legal document.</p> <p>If the applicant is a company, the directors and/or secretary must sign the form. A current company copy of an ASIC Company Search listing all directors and/or office bearers which is not more than twelve months old. Two directors or one director and one secretary must sign the form, unless the company has a sole director and secretary.</p> <p>How can I obtain a copy of my Company Search? You can obtain a company search statement by:</p> <ul style="list-style-type: none"> Accessing the internet service at www.asic.gov.au or by phoning (03) 5177 3988. Requesting that GMW complete the searches on your behalf. Contacting your solicitor or legal advisor to conduct the search on your behalf (fees may apply).

General information and explanatory notes (retain for future reference)

What are the benefits of transferring a Licence to Take and Use Surface water / Groundwater and Operating Works?

Transferring surface water or groundwater entitlement provides existing licensed water users with the opportunity to maximise the value of their licence by selling their unused entitlement, and provides others with the ability to purchase water entitlements in areas where new entitlement is not available.

What are the rules relating to the Permanent transfer of a licence?

Rules have been established to allow the permanent transfer of entitlement. These rules for transfer are part of the Upper Ovens Water Management Plan which was approved by the Victorian Minister for Water in January 2012. The following general rules apply to permanent transfer of a licence to take and use surface water and groundwater:

- The transfer of entitlement is limited to the term of the current financial year. The transferred volume reverts back to the sellers Licence on 1 July in the following year. Any volume transferred to a licence for one year cannot be transferred on to another licence.
- Permanent transfers are permitted downstream on the same stream, subject to a reduction in the transferred volume of 20%.
- Permanent transfers are permitted upstream or out of catchment, subject to winter take conditions.
- Transfer of a licence is not permitted to or from farm dams unless there is a standard Licence to Take and Use Water and Operate Works has been issued. A registration licence can be converted to a standard Licence upon request to GMW. Please contact the Licensing Unit for further information.
- If a licence has been issued with winter-fill condition, it cannot be transferred to a licence which has been issued as an all-year licence.
- All transfers into unregulated sub-catchments are subjected to an assessment against the sustainable diversion limit to determine whether they can be permitted. If your sub catchment is fully committed you will only be allowed to transfer from another licence within your sub catchment.
- Water cannot be used by the buyer until the transfer has been approved and GMW has notified all parties in writing.
- If the sellers licence is in operational use, the pumping system must be metered according to GMW's requirements before a transfer can be approved.
- The buyer must have a Licence to Take and Use Groundwater an Operate Works before an application for a permanent transfer can be approved.
- For specific details about trading in the Upper Ovens Water Supply Protection Area refer to the Water Management Plan which is available from www.gmwater.com.au

You are urged to contact GMW prior to making an application to ensure you have a full understanding of the conditions which apply to the permanent transfer of licence entitlement in your area. For information and maps, please refer to the GMW website at www.gmwater.com.au/water-resources/ground-water.

How do I know which trading zone and trading rules apply to my licence?

Trading rules have been established under Upper Ovens Water Management Plan. Your licence document lists the management zone applicable to your licence. A copy of your licence can be obtained by contacting the Licensing Unit (fees apply).

Plans and Rules have been established where groundwater has been, or has the potential to be, intensively developed. If you intend to apply for a temporary licence transfer you are urged to contact GMW prior to making an application to ensure you have a full understanding of the conditions which apply to the temporary transfer of licence entitlement in your area. For information and maps, please refer to the GMW website at www.gmwater.com.au/water-resources/ground-water. Information relating to trading rules applicable to your licence is available from the GMW website. If you cannot access the internet please contact the Licensing Unit to request a copy of the relevant Fact Sheets by mail or fax.

Where can I get more information about trading opportunities and current prices in my area?

You should visit the GMW website to obtain information about trading rules and restrictions applicable to your licence before proceeding to locate a buyer or seller for your licence volume. If you are still unsure about the rules you should contact the Licensing Unit to discuss your proposal.

GMW cannot provide you with information on the current market value of water; however you if you decide to proceed with a transfer, information about market activity and pricing can be obtained from your local water broker. Details of brokers in your area can be located in the yellow pages or through advertisements in your local newspaper.

How does GMW assess an application?

When assessing an application for the permanent transfer of a licence GMW must consider any impacts on existing authorised users of groundwater and the environment. If this assessment indicates that there is a significant risk of impacting other users or the environment additional information will be required from the applicant. GMW may require that technical investigations, hydrogeological assessments and/or pumping tests are undertaken to demonstrate that the proposal will not adversely impact upon existing authorised groundwater users and the environment. Completion of this work, if applicable, will be required before the transfer of groundwater entitlement is considered. Please note that the costs of any technical work are paid by the applicant. If you are required to undertake such work you will be notified by GMW.

What happens when I lodge my application?

After you lodge your application GMW will notify you in writing that it has been received. The timeframe to complete an assessment may vary depending on the nature of your application. There may be delays if you are required to engage a consultant to conduct a technical assessment in support of your application. If delays are expected you will be notified by GMW. When the decision has been made to your application you will be notified in writing of the outcome, either that the application has been approved or refused. Application fees are not refundable if an application is refused.

Do I need to meet the new Irrigation Development Guideline requirements?

If the licence being transferred will be used for irrigation an Irrigation Development Guideline Assessment will be required if you intend to:

- irrigate land that has never been irrigated before,
- increase the annual use limit on the land in the current licence, or,
- increase the area allowed to be irrigated in the current licence.

You will be contacted if the Irrigation Development Guidelines apply to you.

Do I have to advertise my application in the newspaper or notify my neighbours (buyer only)?

After you lodge your application, GMW will notify you in writing if you are required to advertise and/or notify your neighbours. GMW will send out the proforma for advertising and notification to neighbours, this will include a reference number which relates to your application. If the volume sought in the application is 20ML or greater you will be required to advertise and notify neighbours, if the volume is 19ML or less, only notification of neighbours will apply.

What volume of water is available to the buyer when a permanent transfer is approved?

The permanent transfer of a licence to take and use water includes:

- (a) Transfer of the licence entitlement for the requested volume from the sellers to the buyer's existing or new licence.

When can the buyer take and use water under the licence?

The buyer can take and use water upon written confirmation from GMW that the transfer has been approved. Use may be restricted from time to time in accordance with the conditions of the licence.

Are there ongoing costs associated with having a Licence?

Yes, a Licence to Take and Use Water and Operate Works is subject to annual fixed charges, issued by GMW in July each year. For specific details about which charges will apply to your licence, please contact the Licensing Unit.

Credit Card Payment Authority

Applicant/company name:

.....

Payment for: **Permanent Transfer a Licence to Take & Use Groundwater / Surfacewater
- Upper Ovens**

CREDIT CARD DETAILS

Please tick (✓) appropriate card:

☐ MasterCard

☐ Visa

Card Number

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Expiry date _____

Total \$ _____

Cardholder's name

Cardholder's signature

This page is destroyed by Goulburn-Murray Water after the Credit Card transaction has been processed.

Protecting your privacy

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