

Form 91

Licence to Take and Use Groundwater and Operate Works



What is this application form for?

Use this form to make application for a licence to take and use groundwater and to operate works.

This application combines the requirements for:

PART 1

- A Licence to Take and Use Water section 51 *Water Act* 1989 (Vic)
- A Licence to Operate Works section 67 *Water Act* 1989 (Vic)
- An amendment to an existing Licence to Take and Use Water and Licence to Operate Works sections 59A *Water Act* 1989 (Vic)

PART 2

- A Licence to Transfer a Take and Use Licence section 62 *Water Act* 1989 (Vic)

Application Check List

Complete the checklist. Incorrect information may result in your application being refused.

Your application will be returned if it is ineligible or incomplete.

Read the accompanying explanatory notes and refer to the current fee schedule which can be obtained by calling (03) 5051 3400 or downloaded from www.lmw.vic.gov.au before you fill out the form.

Complete the form in full ensuring all relevant information is provided.

The Application has been completed, signed by ALL persons listed on the land title/s, and is attached.

A copy of the current Certificate of Title/s (Registered Search Statement & Plan) produced within the last three months or Notice of Acquisition/Disposition for all land/s subject of the licence application is attached. Please see attached notes for an example.

A copy of the current Company Extract produced within the last twelve months if the current or proposed licensee is a Company.

If the bore/s are on land that is NOT in the applicant's ownership, written consent from the owner is attached. See Annexure 1.

A copy of the Bore Completion Report issued by the driller for the bore is attached (or has been previously provided). The report must be received from the nominated driller prior to submitting this application.

Payment by cheque or credit card is accepted. A credit card payment authority is attached to this application form.

Send or email the form, any required documentation and the application fee to: Lower Murray Water, PO Box 1438, Mildura, VIC 3502 or email to applications@lmw.vic.gov.au

Note: You may be required to advertise and LMW will contact you after lodgment of the application.

1. APPLICATION TYPE (please tick relevant boxes)

Licence to Take and Use Water and Licence to Operate Works

If you tick one of the below you **MUST** complete Part 2 of this form

Include a Permanent or Temporary Trade (Part 2 complete)

Amend existing Licence to Take and Use Water and Licence to Operate Works No

Please provide the Take & Use No. BEE

Please provide the Operating Licence No WLE

2. APPLICANTS DETAILS

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:

Email:

3. DESCRIPTION OF LAND TO BE LICENSED INCLUDING:

(1) Land of which the bore/s are located AND (2) Land where water is to be taken and used

(1) Property address

(2) Land where the water is used.

Vol	Fol	Lot No.	Plan No.	Crown Allotments	Section	Parish

Note: If additional lands are required please attach a separate list to this application. If any land is not in the ownership of the licensee/s please complete *Annexure 1 – Consent of Landowners (attached)*.

4. PROPOSED USE/S OF WATER

- Irrigation (area to be irrigated(ha)
- Domestic and/or Stock
- Commercial or Industrial
- Dairy Wash
- Urban Supply
- Aquaculture

**Please refer to the attached notes for more information about commercial and urban supply applications.*

5. AMENDMENTS REQUESTED TO EXISTING LICENCE DETAILS (please tick one or more boxes)

- Add service point (works number if Known WRK).....
- Remove service point (works number WRK).....
- Change extraction rate
- Add additional land (**titles for additional land/s only**) – (Complete table below)
- Remove land (complete table below)
- Amend the authorised use of water
- Increase licence volume (applies to Unincorporated Groundwater area)
- Decrease licence entitlement volume

Add land

Remove land

Vol	Fol	Lot No.	Plan No.	Crown Allotments	Section	Parish

* Before decreasing your entitlement you may have the potential to trade any entitlement associated with this licence. Contact LMW's Customer Support Team on (03) 5051 3400 for further information.

6. REQUESTED LICENCE VOLUME

Please indicate whether this application is for a new volume **Total Volume**..... (ML/Year)

Service Point No:	Proposed extraction Rate (ML/day)	ML/Year Volume Requested	Use Type
WRK		Increase: Decrease:	
WRK		Increase: Decrease:	
WRK		Increase: Decrease:	

7. IRRIGATION DEVELOPMENT GUIDELINES (please tick the most appropriate option)

- The water will be used on land that has not been irrigated previously.
- The water will be used on land that has not been irrigated in the past 10 years.
- This application proposes to increase the current licence volume on the land that is being irrigated.
- This application proposes to increase the annual use limit on the land in the current licence
- None of the above statements are relevant to my application.

8. DECLARATION OF APPLICANTS

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 LMW may release information contained in this application, at the discretion of LMW to relevant parties and organisations in accordance with relevant legislation. I approve LMW to have discussions with relevant third parties such as the Irrigation Designer, Engineers and Contractors as necessary. I acknowledge that I have read and understand the accompanying explanatory notes and accept the terms and conditions contained therein

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

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 signature Director signature

Name (printed) Name (printed)

Position: Position:

Address: Address:

.....

.....

Date: Date:

Protecting your privacy

Lower Murray Water (LMW) 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 LMW 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.lmw.vic.gov.au or call (03) 5051 3400 to obtain a copy of this policy.

PART 2 – PERMANENT OR TEMPORARY TRADE

(This section must be completed if you are applying for a new Take and Use Licence where trading is required)

1. APPLICATION TYPE *(please tick relevant box)*

Permanent trade

Temporary trade

MULTIPLE YEAR TEMPORARY TRANSFERS

Number of years the transfer will occur (maximum 5 years)

* Note: All multiple year transfers are subject to a Tier 2 assessment. Please refer to the explanatory notes for further information.

Sellers Licence Information

2. LICENCE DETAILS

Groundwater Licence No: BEE number if Known: BEE

3. AGENTS DETAILS (Broker or Solicitor)

Contact person:

Postal Address:

.....Postcode:.....

Telephone number: () Mobile number:

Fax Number: Email:

4. 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:

Telephone number: () Mobile number:

Fax Number: Email:

5. 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 (applies only to permanent trade): If you are transferring your whole entitlement to the buyer, your existing licence will be surrendered automatically without further notice to you. 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)

Total monetary Consideration (\$) *(Please note this is mandatory)*

(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? (Tick box)

- Yes
 No

Have you used water in the current irrigation season? (Tick box)

- Yes
 No

Bore Number	Sellers Meter Reading	Time and date reading was taken
1		
2		
3		
4		

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

6. DECLARATION OF APPLICANTS – 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 LMW may release information contained in this application, at the discretion of LMW 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:

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 (signature)

.....
Director/Secretary (signature)

.....
Name: (print)

.....
Name: (print)

Position:

Position:

Address:

Address:

.....

.....

.....

.....

Date:

Date:

Protecting your privacy

Lower Murray Water (LMW) 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 LMW 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.lmw.vic.gov.au or call (03) 5051 3400 to obtain a copy of this policy.

Buyers Licence Information

7. APPLICANTS 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:

8. VOLUME TO BE TRANSFERRED TO BUYER

Volume to be transferred:ML

9. DECLARATION OF APPLICANT/S - BUYERS

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 LMW may release information contained in this application, at the discretion of LMW 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 (signature)

.....

Director/Secretary (signature)

.....

Name: (print)

.....

Name: (print)

Position:

Position:

Address:

Address:

.....

.....

.....

.....

Date:

Date:

Protecting your privacy

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Assistance with completing the application form

This application form is required to be completed when applying for a new licence or a new licence with the inclusion of a permanent or temporary trade or to amend an existing licence.

It combines the requirements for:

- A Licence to Take and Use Water (Section 51, *Water Act 1989*) (Vic)
- A Licence to transfer a Take and use licence section 62 *Water Act 1989* (Vic)
- An amendment to an existing licence to Take and Use Water and Licence to Operate Works (Sections 59A, *Water Act 1989*) (Vic)
- Licence to Operate Works (Section 67, *Water Act 1989*) (Vic)

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

Read the information included below, and if you need further assistance contact the Rural Customer Team between 8.00am and 5:00 Monday to Friday

Telephone: (03) 5051 3400

Email: applications@lmw.vic.gov.au

<p>Question 1 Type of Application</p>	<p>It is important to indicate whether you applying for;</p> <ul style="list-style-type: none"> • new licence • new licence with the inclusion of a permanent or temporary trade • Amendment to an existing licence.
<p>Question 2 Applicant/s details</p>	<p>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.</p>
<p>Question 3 Description of land on which the bore/s are located and water to be taken and used</p>	<p>The current ownership of the land must also be verified. To ensure this information is accurate LMW requires you to list the most current land parcel description. If the bore/s or irrigated land are located on land that is not in the applicant's ownership, written consent from the landowner also is required. Please complete Annexure 1 – Consent of Landowner.</p> <p>Applying for a New Take and Use Licence and Operate Works:</p> <ul style="list-style-type: none"> • New applications for a Take and Use licence and Operate Works will require current title searches to verify current ownership. If the work/s are located on land that is not in the applicant's ownership, written consent from the landowner where the work is located also is required. Please complete Annexure 1 – Consent of Landowner for this purpose. <p>Applying for a New Take and Use Licence and Operate Works and inclusion of Trade:</p> <ul style="list-style-type: none"> • Complete the above requirements for a New Take and use Licence • Complete Part 2 – Permanent or Temporary Trade <p>Existing Customer/s who are applying to amend their Take and Use Licence and Operate Works:</p> <ul style="list-style-type: none"> • If you are a current LMW customer, copies of titles will only be required if you are applying to add additional land/s onto your licence. If the additional land is located on land that is not in the applicant's ownership, written consent from the landowner also is required. Please complete Annexure 1 – Consent of Landowner for this purpose. <p>An example of an acceptable Registered Title Search is attached. To obtain a copy of your registered title search you can;</p> <ul style="list-style-type: none"> • Accessing the Land Titles office via the internet or phone 1300 730 000. • Requesting that LMW complete the search/s on your behalf. • Contacting your solicitor or legal advisor to conduct the search/s on your behalf (fees may apply)

	<p>If any works are not located on land in the ownership of the licensee/s consent is required from the relevant owner or land manager.</p> <p>To obtain consent from the Crown Manager, use the following website to determine location where to send your referral: http://www.depi.vic.gov.au/about-us/contact-us/office-locations. Complete Annexure 1 (attached).</p>
Question 4 Proposed use of water	Please indicate the intended use of the water being extracted.
Question 5 Amendments requested to existing licence	Applicants must provide details about the type of amendment.
Question 6 Requested licensed volume	The proposed volume of the new licence or the amended volume if decreasing.
Question 7 Irrigation Development Guidelines	<p>An Irrigation Development Guideline assessment report may be required as part of the licence application for irrigation developments that meet one of the following criteria:</p> <ul style="list-style-type: none"> • A proposal to irrigate land that has never been previously subject to irrigation; • An application to increase the annual use limit on the land in the current licence, or • An application to increase the area allowed to be irrigated in the current licence. <p>You will be contacted if the Irrigation Development Guidelines apply.</p>
Question 8 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 LMW complete the searches on your behalf. • Contacting your solicitor or legal advisor to conduct the search on your behalf (fees may apply).

Assistance with completing the application form for Permanent or Temporary Trade

Seller:

Question 1 Application type	<p>It is important to indicate whether you applying for;</p> <ul style="list-style-type: none"> • Permanent Trade; or • Temporary Trade • Multiyear trade up to 5 years (only applies to temporary trade)
Question 2 Licence Details	<p>Please provide the licence number for the licence to be transferred. If you do not have this number please contact the Rural Customer Team to obtain the number for your licence. LMW may require you to verify your identity prior to providing this information</p>
Question 3 Agent Details (e.g. Broker or Solicitor)	<p>If you have a solicitor or broker acting on your behalf, you must complete this section. LMW will send your nominated agent a copy of the licence.</p>
Question 4 Applicant/s details (seller's)	<p>All applicants must complete and sign the application form. If any of the applicants are a company, the directors must sign the form where appropriate.</p>
Question 5 Volume to be transferred by seller	<p>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 LMW to surrender your existing licence as indicated in question 1 (licence details).</p>
Question 6 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>

Buyer:

Question 7 Applicant/s details (buyers)	<p>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.</p>
Question 8 Provide licence details where the water is to be transferred to (buyer)	<p>Provide the buyers licence number and the existing volume of the licence in ML.</p>
Question 9 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>

General information and explanatory notes (retain for future reference)

Why do I need a Licence to Take and Use Groundwater and Operate Works?

Under the provisions of the *Water Act* 1989 (Vic), any person who wishes to take and use groundwater other than solely for domestic and/or stock purposes must first obtain a licence to take and use water and operate the groundwater works. A Licence to Take and Use groundwater and Operate works authorises the licensee to extract groundwater and use it for irrigation, commercial or other licensable purposes. A licence to operate works authorises the licensee to operate the specified groundwater bore/s for the purpose of extracting water.

What types of water use are licensable?

A licence is required if you intend to use the water for irrigation or for supplying a dairy shed, feedlot, piggeries or poultry farm. A licence is also required if the water is to be used on recreational or sporting fields or in conjunction with the operation of a commercial business or premises. This includes mining, aquaculture, water bottling, the provision of guest accommodation and watering commercial grounds or gardens.

Can I include lands onto my existing licence which are non-contiguous?

No, all lands must be adjoining, except where the parcels of land are separated by a road or stream. Other exceptions may apply; however, you should contact the licencing team for further clarification.

Is a licence issued for a fixed term?

A licence is generally issued for a term of up to 15 years. If during the term of a licence an application to amend the licence is approved, the amended licence will only be issued for the remainder of the original term.

Does a bore need to be constructed before I apply for a Licence to Take and Use Water and Operate Works?

If you wish to access groundwater for any licensable purpose you will need to have access to an existing bore prior to making application for a Licence to take and use water. If you do not have access to a bore and would like to construct a bore it is important to be aware that the process of constructing a bore can be costly and time consuming. LMW recommends that you fully investigate the potential for groundwater in your area prior to making application. If you decide to construct a bore you must make application for a Licence to Construct Works prior to engaging a driller to carry out the work. Application forms are available by Rural Customer Team on (03) 5051 3400. For information about groundwater availability in your area you can visit <http://www.depi.vic.gov.au/water/water-in-your-region> or contact LMW.

Are their limits or restrictions on accessing groundwater?

Water Supply Protection Areas (WSPAs) and Groundwater Management Areas (GMAs) have been established in areas where groundwater has been, or has the potential to be, intensively developed. Groundwater management plans apply in these areas to ensure that use of groundwater is sustainable. In WSPAs and GMAs licence entitlements are limited by a cap called a Permissible Consumptive Volume (PCV). A PCV may restrict or prevent the issuing of new licence entitlements and may mean that you can only access groundwater for irrigation or commercial use by trading licence entitlement from another licensee in that area.

You are urged to contact LMW prior to making an application to determine whether restrictions or conditions apply to groundwater entitlement in your area.

Do I have to advertise my application in the newspaper or notify my neighbours?

After you lodge your application, LMW will notify you in writing if you are required to advertise and/or notify your neighbours. LMW will send out the proforma for advertising and notification to neighbours, this will include a reference number which relates to your application.

Note: If you have notified your neighbours of your intention to construct works and extract groundwater as part of an application for a Licence to Construct Works within the last 12 months, further notification will not be required for this application providing the previously advertised entitlement volume and land description has not changed and is associated with this licence.

What does the application fee cover?

Application fees cover the full cost of undertaking a licence assessment in accordance with LMW's obligations under the *Water Act* 1989 (Vic).

In many cases a technical assessment may be required to determine if extraction of groundwater may have any adverse impacts on other groundwater users in your area or the environment. The costs of technical investigations are borne by the applicant.

Are there ongoing costs associated with having a Take and Use Licence and Operate Works?

Yes, a Licence to Take and Use Water and Operate Works is subject to annual fixed charges, issued by LMW in July each year. For specific details about which charges will apply to your licence, please contact the Rural Customer Team on (03) 5051 3400.

Do I have to pay for the entitlement issued under the Take and use Licence and Operate Works?

Yes, if entitlement is available under the groundwater caps a one-off capital charge applies to new licence entitlements issued by LMW or where approval is given to increase an existing licence entitlement.

If new licence entitlement is not being issued in my area can I get access to an entitlement?

In most groundwater management units the total entitlement has been capped. In order to access entitlement, you may be able to temporary or permanent transfer existing entitlement from another licensee who does not wish to utilise their full entitlement volume.

What happens after I lodge my application?

After you lodge your application LMW 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. LMW cannot make a decision in relation to an application until all relevant information is received (this includes notification to neighbours and advertising). If delays are expected you will be notified by LMW. When the decision has been made to your application you will 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.

General information and explanatory notes for Permanent or Temporary Trading**What are the benefits of transferring a Licence to Take and Use Groundwater and Operate Works?**

Transferring groundwater entitlement provides existing licensed groundwater users with the opportunity to maximise the value of their licence by selling their unused entitlement, and provides other groundwater users with the ability to purchase additional entitlement 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 groundwater entitlement while also ensuring groundwater resources are managed in a sustainable manner.

Groundwater management plans or local management rules apply in areas where Water Supply Protection Areas and Groundwater Management Areas have been established because groundwater has been, or has the potential to be, intensively developed. You are urged to contact LMW 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.

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

Rules have been established to allow the temporary transfer of groundwater entitlement while also ensuring groundwater resources are managed in a sustainable manner. The following general rules apply to temporary transfer of groundwater. Please note that areas governed by Groundwater Management Plans or Local Management Rules may be subject to rules that differ from those described below.

- In most cases 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.
- Multiple year temporary transfers may be approved for a period up to five years subject to a Tier 2 assessment.
- Transfers can generally occur only between licensed bores located within the same trading zone. In some areas limited trading is available between zones.
- In some cases transfers may be approved between adjacent zones if the buyer and sellers bores are located within a short distance from the boundary of those zones.
- Transferred entitlement may be restricted or prohibited from being used if there are adverse impacts on other users or the environment.
- If the sellers bore is operational, the pumping system must be metered according to LMW's requirements before a transfer can be approved.
- The buyer must have a Licence to Take and Use Groundwater before an application for a temporary transfer can be approved.
- Water cannot be used by the buyer until the transfer has been approved. LMW will notify all parties of the outcome of an application in writing.

You are urged to contact LMW 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.

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

Your licence document lists the trading zone applicable to your licence. A copy of your licence can be obtained by contacting the Rural Customer Team (fees apply).

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

You should visit the LMW 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 Rural Customer Team to discuss your proposal.

LMW cannot provide you with information on the current market value of water; however 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 LMW assess an application?

When assessing an application for the permanent transfer of a licence LMW 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. LMW 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 LMW.

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; and
- (b) transfer of the licence entitlement volume adjusted to reflect any restrictions on the available percentage of licence volume at the time of the approval of the transfer.

Where restrictions have been set (e.g. where less than 100% of licence volume is made available in a given season) the licence volume that will be available for the purchaser to use upon approval of the transfer will be adjusted to reflect the available percentage of licence volume at the time of the transfer.

For example if a seller permanently transfers 50ML of their licence where the allocation volume is limited to 50%, the purchaser will receive a 50ML licence with 25ML available for use in the first year.

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

The temporary transfer of a licence involves the transfer licence entitlement from the sellers licence to the buyers licence. Entitlement that has been temporarily transferred, takes into account any restrictions that may be in place on the buyers licence.

Where restrictions have been set (e.g. where less than 100% of licence volume is made available in a given season) the transferred volume which will be available for the purchaser to use upon approval of the transfer will be adjusted to reflect the available percentage of licence volume at the time of the approval of the transfer.

For example if a seller temporarily transfers a 100ML Licence (unused) in an area where the allocation volume is limited to 70%, the purchaser will be the recipient of a 100ML Licence entitlement with only 70ML available to use for the term of the transfer.

When can the buyer Take and Use Water and Operate Works under the licence?

The buyer can Take and Use Water and Operate Works upon written confirmation from LMW that the transfer has been approved. Use may be restricted from time to time in accordance with the conditions of the licence.

Why are there different application fees for Temporary trading?

The fee structure reflects the cost of the work required by LMW to assess and determine applications for temporary licence transfers in accordance with its legal obligations.

EXAMPLE OF A REGISTERED TITLE SEARCH



SAMPLE ONLY

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 88888 FOLIO 999 Security no : 888888888888E
Produced 17/03/2010 09:30 am

LAND DESCRIPTION

Lot x on Plan of Subdivision 999999.
PARENT TITLE Volume 888888 Folio 999
Created by instrument 888888 24/04/1919

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
JOHN DOE
MARY DOE both of 9999 SMITH ST MELBOURNE 3051
[S999999F](#) 09/11/1992

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE [AC9999999A](#) 25/09/2003
BENDIGO BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE [TP9999999P](#) FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)
Street Address: 999999 SMITH ST MELBOURNE VIC 3186

ANNEXURE 1

PROFORMA FOR CONSENT OF LAND OWNER/ OCCUPIER/ CROWN LAND MANAGER

Applicants must provide consent from land owners if an application for a licence includes land owned by a party other than the proposed licensee/s

I / We (print names):

Of (Postal Address):

being the legal owners of the land known as:

Property address:

Vol	Fol	Lot No.	Plan No.	Crown Allotments	Section	Parish

Authorise:
please include names of all Licence Holder(s)

of (Postal Address):

to access this land for the purpose specified in this licence.

Indicate Licence No: (if known)... ..

Signature(s) of all land owners.....

Print Name(s)

Date

Protecting your privacy

Lowe Murray Water (LMW) collects, holds and manages personal information under the *Privacy and Data Protection Act 2014 (Vic)*. The personal information collected on this form will be used for the purpose of considering the renewal/amendment/surrender of your licence and updating our records. If you do not provide us with your personal information, LMW may not be able to renew/amend/surrender your licence. Disclosure of such information is usually limited to LMW employees, agents and contractors involved in processing your application as well as external departments such as the Water Register, The Department of Environment, Land, Water and Planning and the relevant Catchment Management Authority and Local Council. At times, LMW may be legally required to disclose your personal information, for instance to the police, courts or other authorised organisations. You may gain access to and correct your personal information under the Freedom of Information Act 1982 (Vic). For further information please refer to our Privacy Policy at www.lmw.vic.gov.au or call (03) 5051 3400 to obtain a copy of this policy.

ANNEXURE 1

PROFORMA FOR CONSENT OF LAND OWNER/ OCCUPIER/ CROWN LAND MANAGER

Declaration of Company:

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 (signature)

Director/Secretary (signature).....

Name (print):

Name (print):

Position:

Position:

Address:

Address:

.....

.....

.....

.....

Date:

Date:

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