



Private Right Determination

What is this application form for?

Use this form to apply to Goulburn-Murray Water to determine if you have a right to take water free of charge and without a licence from a waterway.

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 fill out the form.
- 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 form has been completed and is attached. | | | | | | | | |
| | <p>A copy of the current Certificate of Title/s (Registered Search Statement & Plan) produced within the last three months is attached.</p> <p>GMW can obtain a current Registered Search Statement (copy of title) on your behalf, please tick the box which is applicable:</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please complete the number of title searches required: I require (title search/es) at a cost of \$30.00 per title search</p> | | | | | | | | |
| | Copies of any prior land titles required for G-MW to determine the application are attached. Please refer to the explanatory notes. | | | | | | | | |
| | <p>Payment of application fees is attached including:</p> <p>Mandatory Fees</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Application Fee</td> <td style="text-align: right;">\$ 850.00</td> </tr> </table> <p>Optional Fees</p> <table style="width: 100%; border: none;"> <tr> <td>Title Search (No of titles.....) @\$30.00 per search</td> <td style="text-align: right;">\$.....</td> </tr> <tr> <td>Historical Title</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>TOTAL PAYMENT ENCLOSED:</td> <td style="text-align: right;">\$.....</td> </tr> </table> <p>Payment by cheque or credit card is accepted (A credit card payment authority is attached to this application form)</p> | Application Fee | \$ 850.00 | Title Search (No of titles.....) @\$30.00 per search | \$..... | Historical Title | \$ | TOTAL PAYMENT ENCLOSED: | \$..... |
| Application Fee | \$ 850.00 | | | | | | | | |
| Title Search (No of titles.....) @\$30.00 per search | \$..... | | | | | | | | |
| Historical Title | \$ | | | | | | | | |
| TOTAL PAYMENT ENCLOSED: | \$..... | | | | | | | | |

1. APPLICANT/S 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:

Fax Number: Email:

2. DESCRIPTION OF LAND ON WHICH THE DETERMINATION IS REQUESTED

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

3. SOURCE OF SUPPLY (IF KNOWN)

Waterway: Tributary of:

Is the Waterway separated from the property by a Crown Reserve? Yes No

4. PROPOSED USE/S OF WATER

Domestic Household (Number of Households):

Stock Supply

Other:

5. 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 GMW may release information contained in this application, at the discretion of GMW to relevant parties and organisations in accordance with relevant legislation. I approve GMW to have discussions with relevant third parties such as the Irrigation Designer, Engineers and Contractors as necessary.

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 Director/Secretary

Name: Name:

Position: Position:

Address: Address:

.....

.....

Date: 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.

Assistance with completing the application form

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

Read the information included in the attached notes 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@g-mwater.com.au

General information and explanatory notes (retain for future reference)

What is a Private Right?

The *Water Act* 1989 (Vic) states that anyone in Victoria can take water from any waterway and use the water on land they occupy for domestic and stock purposes provided the land is adjacent to the waterway or the water flows or occurs on the land.

How does this relate to rivers and creeks?

A landowner may have a private right when there is no Crown Land, Road Reserve or Public Purposes Reserve separating their property from the waterway.

Normally private right exists if:

- Your property title includes the river or stream
- Your property title directly abuts the river or stream

The Private Right is limited to points where the waterway abuts or transverses their property. If a Crown Allotment that would enjoy a private right was subdivided **before** 1 November 1990, all of the lots within that subdivision that are traversed or abutted by the waterway enjoy the private right to water.

If a Crown Allotment that would enjoy a private right was subdivided **after** 1 November 1990, only one of the lots that is traversed or abutted by the waterway would enjoy a private right to water.

What are domestic and/or stock purposes?

Domestic and stock purposes include:

- household use
- watering of stock* and animals kept as pets
- watering of a kitchen garden (up to 0.1 hectares)

*Stock use does not include water used in dairies, piggeries feedlots, poultry sheds or any other intensive or commercial use.

What if I want to use the water for any purpose other than Domestic and/or Stock?

Private rights to water only apply where it is used for domestic and/or stock use. If water is to be used for any other purpose, a licence to take and use water is required. Please contact Goulburn Murray Water's Licensing Unit for licensing requirements.

Why do I need to provide prior and current copies of titles for the land?

Any prior titles referencing the original crown description for the land must be provided to enable GMW to assess the application. If any of the land has been subdivided a copy of the title or the plan of subdivision must also be provided.

The current copy of title (Registered Search Statement and plan) for the land(s) being assessed must also be supplied so that GMW can verify the current ownership of the land. It is important we have an up to date land description so that the private right determination assessment is accurate. An example of the search statement is attached for your reference.

How can I get a copy of my land titles?

You can obtain a registered search statement (see attached example of the correct search) by:

- 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 to conduct the search on your behalf (fees may apply)



SAMPLE ONLY

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The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

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 AC99999999A 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 TP99999999P 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

Credit Card Payment Authority

Applicant/company name:

.....

Payment for: **Application for Private Right Determination**

CREDIT CARD DETAILS

Please tick (✓) appropriate card:

CREDIT CARD DETAILS:

MasterCard Visa

Card Number

| | | | | | | | | | | | |
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| | | | | | | | | | | | |
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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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