

Transfer of Ownership of a Licence to Take and Use and Operate Works

Suitable for use for both Surface Water and Groundwater properties

What is this application form for?

Use this form to make application to transfer the ownership with the option to renew a Licence to Take and use and to Operate Works upon sale of land.

This application combines the requirements for:

- A Licence to Take and Use Water section 51, 58 & 62 *Water Act* 1989 (Vic) and
- A Licence to Operate Works section 72 & 74 *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 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 or email 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 Check list

Please tick or n/a	Applicant's Name:
	The Application has been completed, signed by ALL persons listed on the land title/s, and is attached.
	Notice of Acquisition/Disposition for all land/s
	<p>A copy of the current Company Extract produced within the last twelve months if applicant is a Company.</p> <p>GMW can obtain a Company Extract 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 searches required:</p> <p>I require (search/es) at a cost of \$30.00 per search</p>
	The current licence document is attached (if available)
	<p>Payment of all outstanding charges has been received by GMW.</p> <p>Please contact Accounts Receivable on (03) 5826 3500 to confirm charges or to obtain an Information Statement.</p>
	<p>Payment of application fees attached including:</p> <p>Mandatory Fees</p> <p>Application Fee's: \$.....</p> <p>1. Transfer of land only - \$210.00</p> <p>2. Transfer of land and renewal - \$710.00</p> <p>Optional Fees</p> <p>Company Search (No of searches.....) @ \$30.00 per search \$.....</p> <p>TOTAL PAYMENT ENCLOSED: \$.....</p> <p>Payment by cheque or credit card is accepted (A credit card payment authority is attached to this application form)</p>

1. APPLICATION TYPE –

Refer to: Assistance with completing application form (attached) to determine the correct application type

- ☐ Transfer of Licence to Take and Use Water and Licence to Operate Works upon sale of land

Fee of \$210.00 will be applicable for this application

OR

- ☐ Transfer/Renewal of Licence to Take and Use Water and Licence to Operate Works upon sale of land

Fee of \$710.00 will be applicable for this application

- ☐ Groundwater Licence

- ☐ Surface water Licence

Please note: Renewal can only apply if the licence is due to expire within an 18 month period of receiving this application

2. LICENCE DETAILS

Licence No: BEE number if Known: BEE

Has all land currently listed on the licence been sold to the purchaser?

- ☐ Yes - go to Question 4 ☐ No – I wish to change/remove land from the current licence - go to Question 3

3. Complete only if NO ticked in question 2

ONLY INCLUDE LAND WHICH THE PURCHASER WISHES TO HAVE LISTED ON THE NEW LICENCE

(1) Land on which work/s are located

(2) Land where water is to be taken and used

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.

4. AGENTS DETAILS (Broker or Solicitor)

Contact person:

Postal Address:

..... Postcode:

Telephone number: () Mobile number:

Fax Number: Email:

5. 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:

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 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.

7. APPLICANTS DETAILS – BUYER/S

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. DECLARATION OF APPLICANTS – 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. 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:

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Assistance with completing the application form

This application form is required to be completed when applying for a transfer (ownership) of a licence or to renew a licence.

It combines the requirements for:

- Licence to Take and Use Water (Section 51, *Water Act 1989* (Vic) and
- 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 Licensing Unit between 8.00am and 4.45pm Monday to Friday

Telephone: 1800 013 357

Facsimile: (03) 5826 3334

Email: licensingadmin@gmwater.com.au

Question 1 Application Type	It is important to indicate whether you are applying solely for transfer of a licence or transfer and renewal of a licence. If the application is for transfer and renewal, additional fees will apply to the application. If you are unsure which option to choose, please contact the Licensing Unit.
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 Licensing Unit to obtain the number for your licence. GMW may require you to verify your identity prior to providing this information</p> <p>Please nominate whether all the land currently listed on the licence has been sold to the purchaser. If not please tick <i>No</i> and complete question 3. If you are not sure which land is currently licensed please contact the Licensing Unit.</p>
Question 3 Description of land to be included on licence	Only include land which the purchaser wishes to have listed on the new licence
Question 4 Agent's details	If you have a solicitor or broker acting on your behalf, please complete this section so that GMW can send your nominated agent a copy of the licence.
Question 5 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 6 Declaration of Applicants (Seller/s)	<p>All person/s listed on the buyer's licence must complete and 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 get a copy of my Company Search? You can obtain a company search statement by:</p> <ul style="list-style-type: none"> • Accessing the Titles office via the internet at www.asic.gov.au or phone (03) 5177 3988 • Requesting that GMW complete the searches on your behalf. • This service may be available from your solicitor or legal advisor.

Question 7 Applicant's details (Buyer/s)	<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 Declaration of Applicants (Buyer/s)	<p>All person/s listed on the buyer's licence must complete and 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)

Why do I need to transfer my licence when I sell my land?

A Licence to Take and Use and Operate Works does not automatically transfer when the ownership of land changes or a notice of acquisition/disposition is lodged with GMW. Under the provisions of the *Water Act 1989* (Vic), if the current licence holder wishes to transfer the licence to the purchaser of their land, they must apply to transfer the licence to the purchaser and both parties must sign the application form.

What if I am not transferring all the land currently listed on the licence?

If only part of the land currently included on the Licence to Take and Use and Operate Works has been sold, the application form must include details of the changes to the land description (including land to be removed or updated) on the licence.

If the licence includes more than one work and the seller wishes to retain part of the licensed volume to extract from the work on the land not being sold, they must make application for a sub-division and assignment of the licensed volume. In this case the transfer application form will not be required. Please contact the Licensing Unit for a sub-division application form.

How do I know if I need to renew my Licence?

Licences to Take and Use Water and Operate Works are issued for a fixed term. If the licence is due to expire within 18 months, you have the option to renew the licence at the time of applying for a transfer. If you are unsure please contact the Licensing Unit.

Am I required to renew the licence at time of transfer?

No, you are not obligated to renew the licence at time of transfer. If you do not renew your licence, you will be issued with a new licence for the remaining term. GMW will notify you prior to the expiry date giving you the option of renewing the licence; this would require an application form and fee.

What charges must be paid upon transfer and renewal of a licence?

An application fee of \$710.00 must accompany an application to transfer and renew a licence or application fee of \$210.00 for an application to transfer. You must also ensure that any outstanding charges on your account have been paid when the application is lodged. An application will not be approved if charges are outstanding. GMW will arrange for charges for the current financial year to be transferred to the new licensee once the application to transfer is approved. Please contact the Licensing Unit for details of any outstanding charges prior to making application.

What documents do I need to provide to verify the changes to land ownership?

To verify the current ownership of land an application to transfer a licence must be accompanied by either a Notice of Acquisition or Disposition, or a registered search statement for all land titles to be included in the new licence.

How can I get a copy of the Notice of Acquisition/Disposition or my land titles?

Your solicitor can provide you with a copy of the notice of Acquisition/Disposition. You can obtain a registered title search (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.

How long is a Licence valid for?

A transferred licence to Take & Use and Operate Works will be issued to the new owner for the remainder of the existing licence term. Details about the expiry date can be requested by the current licensee by contacting the Licensing Unit. The application to transfer the ownership of a licence includes provision for renewal of the licence for a further term.

Important information for new surface water licence owners - Aboriginal Cultural Heritage obligations

If I am installing or changing the location of a pump or other works do I have obligations in relation to protecting aboriginal cultural heritage?

In Victoria, Aboriginal cultural heritage is protected and managed under the *Aboriginal Heritage Act 2006* (“the Act”) and the *Aboriginal Heritage Regulations 2007* (“the Regulations”). GMW has an obligation to ensure applicants are made aware of their obligations under this legislation

Under the provisions of the Act a waterway, or land within 200m of a waterway, may be considered an area of cultural heritage sensitivity.

To determine if the site of your proposed works may be in an area of cultural heritage sensitivity you can access an interactive map at: <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/heritage-tools/areas-of-cultural-heritage-sensitivity>

The installation of new pumps and/or attached pipelines normally occurs on or near a waterway so it is likely that these works may be located in an area of cultural heritage sensitivity.

If works are proposed to be constructed or altered as part of a licence application, applicants need to be aware of their obligations under the Act and its Regulations.

Applicants should also be aware that if your proposal to install (or alter) works meets the criteria for a high impact activity under Regulation 43 of the Act you may be subject to further obligations.

High impact activities include, among other things,

- the installation of any works affecting an area exceeding 25 square metres.
- the works are a linear project that is the construction of a pipeline (of any diameter) with a length exceeding 500 metres; or
- the works are a linear project with a length exceeding 100 metres (with a pipe diameter not exceeding 150 millimetres).

If the construction or alteration of works is considered a high impact activity and occurs in all or part of an area of cultural heritage sensitivity you may be required to prepare a Cultural Heritage Management Plan (CHMP).

You can check whether a Cultural Heritage Management Plan is required by accessing the “Aboriginal Heritage Planning Tool” developed by Aboriginal Affairs Victoria. The interactive online tool will guide you through a series of questions to help you determine your obligations. The website also has information to assist you with contacting the relevant Registered Aboriginal Party or Cultural Heritage Advisor if you require further assistance.

You should access the tool available at <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/heritage-tools/areas-of-cultural-heritage-sensitivity> and print a receipt of your results for inclusion in your application.

If you do not have access to the internet please contact the Licensing Unit for further assistance.

EXAMPLE OF A REGISTERED TITLE SEARCH



SAMPLE ONLY

Copyright State of Victoria. This publication is copyright.
No part may be reproduced by any process except in accordance with
the provisions of the Copyright Act and for the purposes of Section
32 of the Sale of Land Act 1962 or pursuant to a written agreement.

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 : 8888888888888E

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



Credit Card Payment Authority

Applicant/company name:

.....

Payment for: **Transfer (ownership) of a Licence to Take & Use and Operate Works**

CREDIT CARD DETAILS

Please tick (✓) appropriate card:

CREDIT CARD DETAILS:

☐ 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

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.