

Diversions Management Licence Transfer Fact Sheet

January 2008

Transferring of Diversion Licences

A permanent transfer of licence usually occurs upon the sale of a property where a licence is already assigned. This is different to a water trade in that the location of where the water is taken from and the land on which water can be used is not changing. Put simply it is a transfer of licence ownership.

People seeking information on trading water i.e. moving water allocation between one location and another, should refer to the Diversions Water Trading Fact Sheet

Transfer in part or full is permitted subject to negotiation between vendor and purchaser and the approval of Melbourne Water. A completed transfer form is required with the signatures of both the vendor and purchaser, which can usually be facilitated by the Solicitor or agent handling the conveyance details for the property.

Purchasers should be aware that it is at the licence holder's discretion as to whether all, part or none of the licence allocation is transferred to the purchaser.

Purchasers wishing to receive any water entitlement presently used with the land being purchased should ensure that it is negotiated as part of the property sale and it is included in the contract that the licence will be transferred. In any case the licence does not transfer automatically with the land at settlement and a separate transfer application must be lodged with Melbourne Water.

Licences cannot be held without ownership or occupation of suitable land. Licence holders choosing not to transfer their water entitlement to a purchaser of the land must within twelve months of settlement transfer or trade the water to another suitable property, approved by Melbourne Water.

Transfer Applications

All applications for transfer must be made on the appropriate Melbourne Water transfer form. An application will be considered by Melbourne Water when the following minimum tasks have been undertaken:

- Completion of a Diversions Permanent or Temporary Transfer Form (including the volume to be transferred and signatures of the vendor(s) and purchaser(s)).

Note:

- If a person executes the document on behalf of another person or party, they must provide evidence of their authorisation to act in that role. In the case of one or more of the licence holders being deceased, then the application must be completed by the executor of the estate and a copy of the will or probate document supplied to verify their capacity in this role.
- If the applicant is a Company name, evidence must be provided that the person(s) has authority to sign on behalf of the Company. (e.g. A current copy of Company Search not more than three months old. Company seal.). This can be obtained from www.asic.gov.au or your solicitor.

- Copies of the current Certificate of Title / Plan of Subdivision / Notice of Acquisition/ Disposition (not more than three months old) for all parcels of land where the water will be used. Details must be sufficient to accurately identify the subject land and land ownership.

Note:

- Proof of occupancy – Where management is under terms of a lease or partnership agreement, a copy of the lease or agreement must accompany the application to demonstrate the applicant's legal occupation of the land.



- Payment of the prescribed fee for transfer.

- Details of any and all proposed works associated with the proposal. (eg. Location and set-up of pumping works and ancillary equipment, construction of dams etc.)

Note:

- Separate approval may be required for the establishment and setup of any new pump / works on or adjacent to a waterway. Detailed plans showing the proposed works will be required. Refer Melbourne Water Guidelines for Waterway Offtakes and Works Plan Requirements available at www.melbournewater.com.au or contact the Diversions Team on 13 17 22

Transfer Applications (continued)

- The applicant must obtain and provide copies of consent from all landowners on whose land any pumps or lines will be situated.
 - if water is to be taken from a dam which is shared with other parties, the applicant must provide demonstrated evidence that they have entered into a dam sharing agreement outlining each parties' respective rights and interests in the dam with regard to the on-going water use, maintenance and liability
- Written approval or confirmation from Aboriginal Cultural Heritage Authority (only required when a new licence is to be issued)

Important Information

Please note: Failure to supply Melbourne Water with all of the above requirements will result in return of the application. Applicants should also note that once an application is lodged, a refund will not be provided should you choose not to proceed.

Customers should be aware that during periods of high demand these timeframes may vary. To avoid delays in processing, please provide all the necessary documentation with your application.

Further Information

Melbourne Water can be contacted:

- By telephone during business hours on 131 722
- By writing to PO Box 4342, Melbourne, Vic, 3001
- By email to inquiry@melbwater.com.au
- In person by appointment at Winneke Treatment Plant, Simpsons Road, Christmas Hills.