



Guide to the Application : Subdivision

This application is used to apply to Murray Irrigation to subdivide a landholding and associated shares, water entitlements and delivery entitlements. This process does not fulfil the subdivision of lands – this process must still be completed, where necessary, with the relevant local government authority.

This guide should be read in conjunction with and subject to Murray Irrigation's *Transfer Rules Policy*.

1 Checklist

The following is a list of documentation required for processing of this application:

1.1 Submission for Conditional Approval:

- Form 27, duly completed
- Certification of searches with attached title searches
- A map showing the proposed subdivision
- Plan of subdivision (if applicable) lodged with council
- Fee – Refer to the Schedule of Standard Service Fees

Additional requirements, if any, will be advised when conditional approval is granted.

Applications received in order are considered for conditional approval weekly. Documentation should be submitted in a single parcel.

1.2 Required for Registration:

- Affirmation and Consent of Encumbrancee (if applicable)
- Form NXD – Removal of Notification of Encumbrance (if applicable)
- Any landholder works, or other requirements arising from infrastructure inspection and application review by Water Management (to be advised after conditional approval).
- Entitlements Contract, executed by the applicant for the original landholding, in duplicate
- Entitlements Contract, executed by the applicant for the new landholding, in duplicate
- Original Share / Water Entitlements / Delivery Entitlements Certificates
- Documented evidence of the approval and registration of the plan of subdivision and new lot and DP numbers (if existing lots are being split)
- Payment of all charges (current and arrears)

NOTE: An internal review and inspection of infrastructure is conducted by Water Management staff in conjunction with the Customer. Any infrastructure works required will be notified following this inspection, which may be subsequent to the notice of conditional approval.

The Schedule of Standard Service Fees, and any other forms referred to in this application can be found at www.murrayirrigation.com.au under Forms.



2 Notes

2.1 General

- 1) Only one portion may be subdivided per application.
- 2) The flow share available to the original landholding will be divided equally amongst the original landholding and the new landholding.
- 3) An additional vote will be allotted to the new landholding.
- 4) Works are usually required for a subdivision to proceed. The application for subdivision will not be processed until all works have been completed.
- 5) A new landholding reference number and water allocation account number will be assigned to the new landholding. No water allocated is transferred as part of this process.
- 6) The subdivided portion will be registered in the name of the owner of the original landholding, and the land titles must be initially registered in that same name. Any subsequent change of ownership requires a separate application (form 3)
- 7) Additional assistance from Murray Irrigation, outside of the usual processing of such an application, may be requested and provided on a chargeable hourly rate basis. Refer to the Schedule of Standard Service Fees for rates.
- 8) If the subdivision is aligned with existing lots (no splitting of blocks or realigning boundaries etc.), the plan of subdivision lodged with council is not required.

2.2 Encumbrances

- 1) If a Mortgage, Charge or Caveat appears on the titles of the land, Affirmation and Consent is required from each interested party.
- 2) If an encumbrance is noted on the Water Entitlements Register and certificate, a Form 20 (NXD) is required to release, partially or fully, the encumbrance.

2.3 Allocation, Carryover, Casual Usage Fee

- 1) Water Allocation is not transferred unless specified - amounts credited to the transferor up to the time of registration will remain in that account. (likewise for carryover capacity)
- 2) Carryover *capacity* to be transferred is the limit on unused water able to be carried over to next water year. **Only relevant from March to May in any water year.**
- 3) The allocation and carryover amounts specified will be transferred upon registration. Please provide a number and not a calculation for these amounts.

2.4 Processing Times

- 1) As a general rule, allow 4 to 12 weeks for processing of a subdivision application.
- 2) Timing will vary depending on timeliness of requirements being met, whether works are required, and so forth.



3 Completing the Application

- 1) All handwriting should be in BLOCK letters in blue or black ink.
- 2) All spaces on the form must be completed.
- 3) If there is insufficient space on any part of the form, please attach an annexure, labelled beginning at the letter "A", and refer to the annexure at the relevant position on the form.
- 4) The application must be executed by ALL registered proprietors. If executing as attorney, please make note of the power of attorney.
- 5) Follow any other instructions provided with the relevant forms / pages.
- 6) Submit completed applications to:

Murray Irrigation Limited
PO Box 528
DENILIKUIN NSW 2710.

4 Enquiries

For all enquiries or further information regarding this application, please contact Murray Irrigation on:

Telephone: 03 5898 3367 or 03 5898 3368.
Email: register@murrayirrigation.com.au



Application : Subdivision

Customer Details

Name:

[Text box for Name]

Address:

[Text box for Address]

Landholding Reference No:

[Text box for Landholding Reference No]

Real Property Description:

[Text box for Real Property Description]

Proposed Subdivision

Table with 8 columns: Block, Folio Identifiers, Area, Shares, Water Entitlements, Delivery Entitlements, Water Allocation, Carryover Capacity. Rows include 'A (original)' and 'B (new)'.

I/We apply to Murray Irrigation Limited for the subdivision of the landholding and shares, water entitlements and delivery entitlements identified above. I/We acknowledge and agree that the flow rate available during times of restriction will be limited in total to the flow rate that would have applied to the single original landholding at 3 March 1995.

Dated:

[Text box for Dated]

Where the Applicant is an individual: Signed by the Applicant in the presence of:

Signature of witness

Signature of Applicant

Name of witness (BLOCK LETTERS)

Signature of additional Applicant (if more than one)

Where the Applicant is a company:

Executed by the Applicant in accordance with section 127 of the Corporations Act 2001:

Signature of Director/Company Secretary

Signature of Director

Name of Director/ Secretary (BLOCK LETTERS)

Name of Director (BLOCK LETTERS)

Australian Legal Practitioner’s Certification of Searches

Please note: Items 2 and 3 must be completed. Item 4 must be completed where an encumbrance exists.

Item 1 must be completed where the transfer is in respect of a landholding.

I, [Name]

being a current practising Australian Legal Practitioner certify that in respect of the Transferor’s:

Landholding / Water Allocation Account

1. The attached original/certified copies of LPI searches were

made by me on: [Date] and show as:

Registered proprietor(s):

Encumbrancee:

2. The attached searches of [Murray Irrigation’s Water Entitlements Register / NICWER register]
*delete inappropriate were

made on: [Date] and show as:

Water Entitlements Holder(s):

Encumbrancee:

3. I am able to say from my other searches and enquiries regarding the Landholding, Shares, Water Entitlements, Delivery Entitlements, and Water Entitlements Certificate that

There is no equitable or other mortgage, charge or encumbrance over these shares and/or entitlements

The following encumbrance exists:

4. Attached hereto is:

Affirmation by encumbrancee(s)

Certified copies of discharges lodged with the LPMA, there being no existing or further interest in favour of the encumbrance

Form NXD in respect of encumbrance noted on the Water Entitlements Register

Australian Legal Practitioner: _____

Date: _____

Affirmation and Consent by Encumbrancee

To be used:

- 1) where a mortgage, charge, caveat, or other encumbrance exists over the transferor(s) land title(s), to provide consent by the encumbrancee to the application; and/or
- 2) where a mortgage, charge or encumbrance is noted on the Water Entitlements Certificate or is otherwise registered with Murray Irrigation Limited, to provide consent by the encumbrancee to the application.

Where a mortgage, charge or encumbrance is noted on the Water Entitlements Certificate or is otherwise registered with Murray Irrigation Limited then a Form NXD must be provided by the encumbrancee before any transfer of the water entitlements will be registered.

I/we understand that

has applied to Murray Irrigation Limited for approval to a permanent transfer of:

shares

water entitlements

delivery entitlements

identified by landholding / water allocation account number

I/We are:

- the encumbrancee
- the proper officer of the encumbrancee and duly authorised to grant consent on behalf of the encumbrancee

and hereby affirm that the Transferor(s) is the appropriate person to make the application and the encumbrancee consents to it.

Dated:

Signature of Encumbrancee / Proper Officer: _____

Name and Position:

Financial Institution and Branch: