

Guide to the application: Boundary alteration/amalgamation/ 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 – where necessary subdivision must also be completed with the relevant local government authority; or
- apply to Murray Irrigation for the amalgamation of two or more contiguous landholdings and associated shares, water entitlements and delivery entitlements into one, mostly for operational purposes; or
- apply to Murray Irrigation for the addition or removal of a parcel of land from the boundary of a landholding.

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
 - Current title searches
 - A map clearly showing the proposed boundary alteration - outlined
 - Plan of subdivision (if applicable) lodged with council
 - The application fee – Boundary Alteration (refer to the Schedule of Standard Service Fees – Other dealings')
 - The application fee – Subdivision (refer to the Schedule of Standard Service Fees – 'Subdivision application fee')
- No application fee for Amalgamation.*

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. **Boundary Alterations removal/addition are not subject to conditional approval.**

1.2 Required for registration:

General – required for all applications

- Form 19 – Security Interest, Notification/Removal/Consent and application fee (see notes and Schedule of Standard Service Charges; 'Other Charges')
- Any landholder works, or other requirements arising from infrastructure inspection and application review by Operations (to be advised by Operations after conditional approval (if applicable)).
- Entitlements Contract, current version, executed by the customer for each landholding remaining after alteration, in duplicate
- Original Share / Water Entitlements / Delivery Entitlements Certificates for each landholding
- Payment of all charges (current and arrears)

Boundary Alteration

- Additions – Fully processed application for inclusion into area of operations (see notes)

- Removals – Documentary evidence of an alternative water supply to the lands to be removed

Amalgamation

- Accountants Declaration (see notes)

Subdivision

- Documented evidence of the approval and registration of the plan of subdivision and new lot and DP numbers (if existing lots are being split)

NOTE: An internal review and inspection of infrastructure is conducted by Operations 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 Charges can be found at www.murrayirrigation.com.au under 'Customers' then 'Fees and prices', and any other forms referred to in this application under 'Customers' then 'Forms'.

2 Notes

2.1 General

- 1) 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.
- 2) **Forms or pages that are not dated or otherwise complete may be returned.**

2.1.2 Boundary Alteration – Addition of a lot

- 1) Only one landholding may be dealt with per application.
- 2) The lot must be within the company's area of operations. If not, a separate Form 30 application will need to accompany the boundary alteration.
- 3) The lot to be added must be in the same ownership as the existing landholding and must share a boundary with the existing landholding

2.1.3 Boundary Alteration – Removal of a lot

- 1) Only one landholding may be dealt with per application.
- 2) Evidence must be provided of an alternative water supply to the lot being removed.

Including but not limited to the following;

- Written advice from solicitor that area to be removed has no alternative water supply and does not require water access of any type for the future
- Copy of bore license for previously constructed bore
- Copy of NOW Water Supply Work approval for any bore, well or spearpoint constructed to access aquifer under *Water Management Act 2000* domestic and stock rights

The purpose of documented evidence of an alternative water supply is to ensure that landholders are not accused of illegal access to and removal of Murray Irrigation water supply in the future should signs of water use become evident.

- 3) If the area to be removed is a portion of an existing lot, the customer must first lodge and have registered a plan of subdivision with their local council, and be issued with lot and DP numbers to enable this transaction to take place.
- 4) The removed lot is not excluded from the company's area of operations, except in special circumstances. Such circumstances are dealt with on a case-by-case basis.

2.1.4 Subdivision

- 1) Only one landholding 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 any new landholding.
- 4) Works are usually required for a subdivision to proceed. An application for subdivision will not be processed until all works have been completed.
- 5) A new water allocation account number and landholding reference number will be assigned to any new landholding. This maintains discrete historical records for each original landholding. No water allocated is transferred as part of this process.
- 6) Any subdivided portion will be registered in the name of the owner of the original landholding. Any subsequent change of ownership requires a separate application (Form 9)
- 7) 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.

2.1.5 Amalgamation

- 1) Each landholding to be amalgamated must be held in identical names or operated by one business entity. If not held in the same name, complete the Accountant's Declaration.
- 2) Landholdings to be amalgamated must share a common boundary, or if separated by government infrastructure such as a public road, the supply and/or drainage systems of the two landholdings must be connected.
- 3) A new water allocation account number and landholding reference number will be assigned to any new landholding. This maintains discrete historical records for each original landholding.
- 4) Future de-amalgamations will be treated as a subdivision application and will be subject to all relevant rules and procedures at that time.
- 5) You are entitled to the same number of votes as you were before amalgamation, in accordance with the company's constitution.
- 6) The flow shares available to the original landholding will be added together but may be subject to operational constraints.
- 7) All shares, water entitlements, delivery entitlements and water allocation corresponding with the landholding reference numbers will also be amalgamated.

2.2 Security interests (subdivision/amalgamation only)

- 1) If a mortgage, charge or caveat appears on the titles of the land or Murray Irrigation's registers, Consent (Form 19 – Security interest) is required from each interested party. *No application fee is required for **consent**.*

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.
- 2) The allocation and carryover amounts specified (if any) will be transferred upon registration. Please provide a whole number of ML or select pro-rata and date.

2.4 Pro-rata calculation based on total amount of allocation or carryover credited to vendor account as at date nominated, proportional to the number of water entitlements transferring. Where delivery entitlements are transferring the pro-rata calculation shall be performed for any efficiency allocation credited at date nominated. Pro-rata amounts will be transferred at time of finalisation.

2.5 Processing times

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

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 and any corrections initialled.
- 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) Do not submit this guide with the application.

4 Submission and enquiries

Submit completed applications to:

Murray Irrigation Limited
PO Box 528
443 Charlotte St
DENILQUIN NSW 2710

For all enquiries regarding this application, please contact the Water Trade team via reception on:

T. 1300 138 265
Email: register@murrayirrigation.com.au

Application: Boundary alteration/amalgamation/subdivision

Customer details

Name:			
Mailing address:			
Contact number:		Mobile:	
Email address:			
Landholding folio identifiers:			
Solicitor/agent: (name, address, reference, email)			

Application type (tick):	Boundary Alteration Removal <input type="checkbox"/>	Boundary Alteration Addition <input type="checkbox"/>	Amalgamation <input type="checkbox"/>	Subdivision <input type="checkbox"/>
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Proposed boundary: Before

LRN	Folio identifiers	Area	Shares	Water entitlements	Delivery entitlements	Water allocation

Proposed boundary: After

LRN	Folio identifiers	Area	Shares	Water entitlements	Delivery entitlements	Water allocation

I/We apply to Murray Irrigation Limited for alteration of the boundary and shares, water entitlements and delivery entitlements identified of my/our landholding as described above.

I/We agree that any future de-amalgamations will be treated as a subdivision and subject to the relevant rules and procedures at that time.

I/we acknowledge and agree that the flow rate available during times of restriction will be limited into total to the flow rate that would have applied to the single original landholding at 3 March 1995.

I/We acknowledge that if removing a lot from an existing landholding the continued supply or use of water from Murray Irrigation’s supply works on the removed lot will be in breach of the *Entitlements Contract* and may be an offence under the *Water Management Act 2000* (NSW).

Dated:

Where the vendor is an individual: Signed by the applicant in the presence of:

Where the vendor is a company: Executed by the applicant in accordance with section 127 of the *Corporations Act 2001*:

	Name	Signature
Individual 1; or Secretary/Director		
Individual 2; or Director		
Witness		
Witness address		

Certificate under section 34(1)(c) of Oaths Act 1900 (required in NSW for establishing identity of deponent)

*Please cross out any text that does not apply

I [_____], a Solicitor/Barrister/Justice of the Peace in NSW certify the following matters concerning the making of this *statutory declaration/affidavit by the person who made it:

1. *I saw the face of the person or *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering.
2. *I have known the person for at least 12 months or *I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was [describe identification document relied on].

Signature [_____]

Name of Solicitor/Barrister/Justice of the Peace [_____]

Date: [_____].



Murray Irrigation

Payment

Cheque <input type="checkbox"/>	made payable to Murray Irrigation Limited: hand delivered to Deniliquin or Finley Office – <i>only available for mailed or hand delivered applications</i>	
Direct Deposit <input type="checkbox"/>	(BSB 062-533 Acct 1011 7736)	Ref: (LRN) <input type="text"/>
Credit Card <input type="checkbox"/>		

Credit Card Details: (*A 0.9% Surcharge applies to amounts over \$200. The card will be debited by the total cost)

Card Holders Name	Expiry Date	MASTERCARD	VISA
<input type="text"/>	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Card Number	Debit Credit Card By:		
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Please note that applications may not proceed until payment has been received.