

Authorised Version No. 006
Water (Resource Management) Regulations
2007

S.R. No. 75/2007

Authorised Version incorporating amendments as at
1 July 2014

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PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are to prescribe—

- (a) fees for applications to the Minister relating to water shares, water allocations and related dealings under the **Water Act 1989**; and
- (b) fees for lodging documents with the Registrar of the water register or making recordings in the water register under that Act; and
- (c) fees for applications to amend or search the water register under that Act; and
- (d) persons who may search the water register for specified information or records under that Act; and Reg. 1(d)
amended by
S.R. No.
139/2010
reg. 4(a).
- (e) a purpose for which a licence under section 51 of the **Water Act 1989** may be issued within a declared water system; and Reg. 1(e)
inserted by
S.R. No.
139/2010
reg. 4(b).
- (ea) persons and classes of person as occupiers of land for the purposes of applying for and being granted a water-use registration; and Reg. 1(ea)
inserted by
S.R. No.
88/2012 reg. 3.

Reg. 1(f)
inserted by
S.R. No.
139/2010
reg. 4(b).

- (f) requirements relating to the construction and alteration of certain private dams.

2 Authorising provision

These Regulations are made under section 324 of the **Water Act 1989**.

3 Commencement

These Regulations come into operation on 1 July 2007.

4 Definitions

In these Regulations—

Reg. 4 def. of
*automated
lodgement
process*
inserted by
S.R. No.
163/2013
reg. 4(1),
substituted by
S.R. No.
69/2014
reg. 5(b).

automated lodgement process means the process for enabling the making of an application through the Victorian water register website;

Note

The Victorian water register website is at <http://waterregister.vic.gov.au>.

the Act means the **Water Act 1989**;

Reg. 4 def. of
*rural
residential
area*
inserted by
S.R. No.
139/2010
reg. 5.

rural residential area means any land that is—

- (a) within the Rural Living Zone, Green Wedge Zone or a residential zone within the meaning of the Victoria Planning Provisions, approved under Part 1A of the **Planning and Environment Act 1987**; and
- (b) 8 hectares or smaller in size;

water allocation group application means any one of the following combinations of applications in relation to the same water share, water allocation or use of water—

- (a) an application made under section 33X(1)(ba) of the Act together with an application made under section 33TB of the Act;
- (b) an application made under section 33X(1)(c) of the Act together with any one or more of the following—
 - (i) an application made under section 33TB of the Act;
 - (ii) an application made under section 33X(1)(ba) of the Act;
 - (iii) an application made under section 33AG of the Act;
 - (iv) an application made under section 33AI of the Act;
 - (v) an application made under section 64K(2) of the Act;
- (c) an application made under section 64K(2) of the Act together with any one or more of the following—
 - (i) an application made under section 33TB of the Act;
 - (ii) an application made under section 33X(1)(ba) of the Act;

Reg. 4 def. of *water allocation group application* amended by S.R. No. 163/2013 reg. 4(2), substituted by S.R. No. 69/2014 reg. 5(c).

(iii) an application made under section 33AG of the Act;

(iv) an application made under section 33AI of the Act;

Reg. 4 def. of *water frontage* inserted by S.R. No. 139/2010 reg. 5.

water frontage has the same meaning as in section 3(1) of the **Land Act 1958**;

Reg. 4 def. of *water limited term transfer group application* inserted by S.R. No. 69/2014 reg. 5(a).

water limited term transfer group application means an application made under section 33X(1)(b) of the Act when made together with either one or both of the following applications, in relation to the same water allocation—

(a) an application made under section 33TB of the Act;

(b) an application made under section 33X(1)(ba) of the Act;

Reg. 4 def. of *water share change group application* inserted by S.R. No. 123/2009 reg. 5(b), substituted by S.R. No. 69/2014 reg. 5(d).

water share change group application means either one of the following combinations of applications in relation to the same water share or water allocation—

(a) an application made under section 33AQ of the Act together with any one or more of the following—

(i) an application made under section 33R of the Act;

(ii) an application made under section 33TB of the Act;

(iii) an application made under section 33X(1)(ba) of the Act;

(iv) an application made under section 33Y of the Act;

- (v) an application made under section 33Z of the Act;
- (vi) an application made under section 33AI of the Act;
- (b) an application made under section 33R of the Act together with either one or both of the following—
 - (i) an application made under section 33TB of the Act;
 - (ii) an application made under section 33X(1)(ba) of the Act;

water share consolidation group application means an application in respect of two or more water shares made under section 33Z of the Act when made together with an application made under section 33X(1)(ba) of the Act in relation to those same water shares;

Reg. 4 def. of *water share consolidation group application* inserted by S.R. No. 69/2014 reg. 5(a).

water share divide group application means an application in respect of a water share made under section 33Y of the Act when made together with an application made under section 33X(1)(ba) of the Act in relation to the same water share;

Reg. 4 def. of *water share divide group application* inserted by S.R. No. 69/2014 reg. 5(a).

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Reg. 4 def. of *water share group application* revoked by S.R. No. 123/2009 reg. 5(a).

water share issue group application means either one of the following combinations of applications in relation to the same water share—

Reg. 4 def. of *water share issue group application* inserted by S.R. No. 69/2014 reg. 5(a).

- (a) an application made under section 33L of the Act when made together with an

application made under
section 33X(1)(ba) of the Act;

- (b) an application made under section 33M of the Act when made together with an application made under section 33X(1)(ba) of the Act;

Reg. 4 def. of
*water share
transfer group
application*
inserted by
S.R. No.
123/2009
reg. 5(b),
substituted by
S.R. No.
69/2014
reg. 5(e).

water share transfer group application means an application made under section 33X(1)(a) of the Act when made together with any one or more of the following applications, in relation to the same water share—

- (a) an application made under section 33R of the Act;
- (b) an application made under section 33TB of the Act;
- (c) an application made under section 33X(1)(ba) of the Act;
- (d) an application made under section 33Y of the Act;
- (e) an application made under section 33AI of the Act;
- (f) an application made under section 33AQ of the Act;

Reg. 4 def. of
*water take
group
application*
inserted by
S.R. No.
69/2014
reg. 5(a).

water take group application means an application made under section 33AI of the Act when made together with either one or both of the following applications, in relation to the same water allocation—

- (a) an application made under section 33TB of the Act;
- (b) an application made under section 33X(1)(ba) of the Act.

**PART 2—FEES FOR APPLICATIONS IN RELATION TO
WATER SHARES AND WATER ALLOCATION**

5 Fee for application for issue of a water share

The prescribed fee for an application made under section 33L of the Act is 13·57 fee units.

Reg. 5
amended by
S.R. No.
123/2009
reg. 6.

**6 Fee for application for issue of a water share by
holder of interstate right**

The prescribed fee for an application made under section 33M of the Act is 13·57 fee units.

Reg. 6
amended by
S.R. No.
123/2009
reg. 7.

7 Fee for an application for variation of a water share

The prescribed fee for an application made under section 33R of the Act is 11·43 fee units.

**8 Fee for application for transfer of ownership of
water share under Division 5 of Part 3A of the Act**

The prescribed fee for an application made under section 33X(1)(a) of the Act is 13·57 fee units.

Reg. 8
amended by
S.R. No.
123/2009
reg. 8.

**9 Fee for application to give a limited term transfer
under Division 5 of Part 3A of the Act**

The prescribed fee for an application made under section 33X(1)(b) of the Act is 13·57 fee units.

Reg. 9
amended by
S.R. No.
123/2009
reg. 9.

**10 Fee for application to give a water allocation
assignment under Division 5 of Part 3A of the Act**

The prescribed fee for an application made under section 33X(1)(c) of the Act is—

- (a) 3·20 fee units if the application is made through the automated lodgement process; or
- (b) 6·04 fee units if the application is made other than by way of the automated lodgement process.

Reg. 10
amended by
S.R. No.
123/2009
reg. 10,
substituted by
S.R. No.
163/2013
reg. 5.

11 Fee for application to divide a water share

The prescribed fee for an application made under section 33Y of the Act is 11·43 fee units.

12 Fee for application to consolidate water shares

The prescribed fee for an application made under section 33Z of the Act is 11·43 fee units.

13 Fee for application to surrender a water share to the Crown

The prescribed fee for an application made under section 33AA of the Act is 11·43 fee units.

14 Fee for application to cancel a water share where interstate rights are obtained

The prescribed fee for an application made under section 33AB of the Act is 13·57 fee units.

15 Fee for application for Ministerial approval to take interstate water

The prescribed fee for an application made under section 33AG of the Act is 13·57 fee units.

16 Fee for application for Ministerial approval to take water outside the associated water system

The prescribed fee for an application made under section 33AI of the Act is 11·43 fee units.

17 Fee for application to associate or revoke the association of a water share with land

The prescribed fee for an application made under section 33AQ of the Act is 11·43 fee units.

18 Fee for an application to use water on land

For the purposes of section 64K(3)(d) of the Act, the prescribed fee for an application to the Minister for approval to use water on land is—

- (a) 3·20 fee units if the application is made through the automated lodgement process; or

Reg. 14 amended by S.R. No. 123/2009 reg. 11.

Reg. 15 amended by S.R. No. 123/2009 reg. 12.

Reg. 18 amended by S.R. No. 123/2009 reg. 13, substituted by S.R. No. 163/2013 reg. 6.

- (b) 6·04 fee units if the application is made other than by way of the automated lodgement process.

18A Fee for application to give a standing direction

The prescribed fee for an application made under section 33X(1)(ba) is 6·04 fee units.

Reg. 18A
inserted by
S.R. No.
69/2014 reg. 6.

18B Fee for application to revoke a standing direction

The prescribed fee for an application made under section 33TB is 6·04 fee units.

Reg. 18B
inserted by
S.R. No.
69/2014 reg. 6.

19 Group applications

Despite regulations 5 to 18B—

- (a) in the case of a person who makes a water share change group application, the prescribed fee is 11·43 fee units;
- (b) in the case of a person who makes a water share consolidation group application, the prescribed fee is 11·43 fee units;
- (c) in the case of a person who makes a water share divide group application, the prescribed fee is 11·43 fee units;
- (d) in the case of a person who makes a water share issue group application, the prescribed fee is 13·57 fee units;
- (e) in the case of a person who makes a water share transfer group application, the prescribed fee is 13·57 fee units;
- (f) in the case of a person who makes a water limited term transfer group application, the prescribed fee is 13·57 fee units;
- (g) in the case of a person who makes a water take group application, the prescribed fee is 11·43 fee units;

Reg. 19
substituted by
S.R. No.
123/2009
reg. 14,
amended by
S.R. No.
163/2013
reg. 7,
substituted by
S.R. No.
69/2014 reg. 7.

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- (h) in the case of a person who makes a water allocation group application, the prescribed fee is—
- (i) 3·20 fee units if the application is made through the automated lodgement process; or
 - (ii) 6·04 fee units if the application is made other than by way of the automated lodgement process.

20 Exception to regulations in this Part

Despite regulations 10 and 19, no application fee is payable if—

- (a) a person makes an application under section 33X(1)(c) of the Act for approval to make an assignment under section 33U(1)(e) or 33V(1)(e) of the Act; and
 - (b) the Authority responsible for the water system from which the water was allocated considers it appropriate that the person be excepted from the payment of that fee.
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PART 3—WATER REGISTER FEES

Division 1—Water share dealings

21 Fees for recording water share or related dealings

The following fees are prescribed for making a recording in the water register—

- (a) for recording a transfer of ownership of a water share under section 84J(1)(a) of the Act, the fee is 8·71 fee units;
- (b) for recording a limited term transfer of a water share under section 84J(1)(b) of the Act, the fee is 8·71 fee units;
- (c) for recording the surrender of a limited term transfer of a water share under section 84JA of the Act, the fee is 4·36 fee units;
- (d) for recording the transmission of a water share to the legal personal representative of the deceased owner of the water share under section 84K of the Act, the fee is 8·71 fee units;
- (e) for recording a transmission under section 84L of the Act to the survivor of joint owners of a water share, the fee is 8·71 fee units;
- (f) for recording the transmission of a water share under section 84M of the Act to the trustee in bankruptcy of the owner of the water share, the fee is 8·71 fee units;
- (g) for recording a memorandum of common provisions under section 84P of the Act, the fee is 8·71 fee units.

22 Fees for recording mortgage related dealings

- (1) The prescribed fee for recording in the water register a mortgage of a water share under clause 1 of Schedule 12A to the Act is 4·36 fee units.
- (2) The prescribed fee for recording in the water register a variation of the terms of a recorded mortgage of a water share under clause 2(3) of Schedule 12A to the Act is 4·36 fee units.
- (3) The prescribed fee for recording in the water register a variation of the principal sum or interest secured by a recorded mortgage of a water share under clause 2(3) of Schedule 12A to the Act is 4·36 fee units.
- (4) The prescribed fee for recording in the water register the variation of priority of the recorded mortgages of a water share under clause 3 of Schedule 12A to the Act is 4·36 fee units.
- (5) The prescribed fee for recording in the water register the transfer of a mortgage of a water share under clause 4 of Schedule 12A to the Act is 4·36 fee units.
- (6) The prescribed fee for recording in the water register a discharge of a mortgage of a water share under clause 10 of Schedule 12A to the Act is 4·36 fee units.
- (7) Despite subregulation (6), the Registrar may waive the prescribed fee for recording in the water register a discharge of a mortgage of a water share, if—
 - (a) the discharge was in respect of a mortgage that was deemed to be a mortgage over a water share under clause 26 of Schedule 15 to the Act; and

- (b) the recording in the water register of the discharge of the mortgage is lodged within 6 months after the appointed day within the meaning of the Act.

23 Fee for recording that matter referred to arbitration

- (1) For the purposes of section 84I(i) of the Act, the referral of a matter to arbitration under clause 19 of Schedule 15 to the Act is a prescribed matter to be recorded in the water register.
- (2) The fee for recording in the water register the referral of a matter to arbitration under clause 19 of Schedule 15 to the Act is 4·36 fee units.

24 Fee for providing a certificate as to matter in the part of the water register or in records of information maintained by the Registrar

The fee for the issuing of a certificate by a recording body under section 84ZK of the Act for the purposes of proceedings in any court or tribunal is 4·36 fee units.

25 Waiver of Division 1 fees

- (1) The Registrar may waive a fee specified in regulation 21 or 22 if—
- (a) the fee is incurred by a person seeking to make an application under the Act to make a recording in the water register; and
- (b) that recording is made as a result of reaching an agreement in respect of ownership of a water share under clause 17(2) of Schedule 15 to the Act.
- (2) The Registrar may waive a fee specified in this Division which is payable to the Registrar by a person if the Registrar is satisfied that there are circumstances justifying the waiver, including any hardship affecting the person liable to pay the fee.

Division 2—Searching or amending the water register

26 Persons who may search the water register for information or records

For the purposes of section 84X(3) of the Act—

- (a) a prescribed purpose is the undertaking of a valuation under section 13DC of the **Valuation of Land Act 1960**;
- (b) a prescribed person is a person appointed in accordance with section 13DA(1A) of the **Valuation of Land Act 1960**;
- (c) the prescribed information or records or prescribed class of information or records is information or records held by the recording body that are reasonably required for the purposes of undertaking a valuation under section 13DC of the **Valuation of Land Act 1960**.

27 Fees to search the water register

For the purposes of section 84ZA(2)(a) of the Act, the prescribed fee to search the part of the water register in respect of which the Registrar or Minister is responsible, is—

- (a) in the case of a search initiated by accessing an online search facility established by the Registrar for the purposes of searching the water register, 1 fee unit; or
- (b) in the case of a search made by the Registrar or the Minister on behalf of the applicant and where a hard copy of the results of that search are provided to the applicant—
 - (i) if the search is for current information or records, 1·91 fee units;

- (ii) if the search is for non-current information or records, 1·91 fee units;
- (iii) if the search is for documents, 1 fee unit.

28 Fee to correct or amend the water register

(1) For the purposes of section 84ZB(4)(b)(i) of the Act—

- (a) no prescribed fee is payable to correct or amend an address recorded on the water register;
- (b) in all other cases, the prescribed fee to correct or amend the water register is 8·71 fee units.

(2) The Registrar may waive the fee referred to in subregulation (1) if the application for the amendment or correction to the water register is made—

- (a) to correct an error made by the Registrar; or
- (b) as a result of reaching an agreement in respect of ownership of a water share under clause 17(2) of Schedule 15 to the Act.

Reg. 28(1)
substituted by
S.R. No.
123/2009
reg. 15.

29 Waiver of Division 2 fees

The Registrar may waive a fee specified in this Division which is payable to the Registrar by a person if the Registrar is satisfied that there are circumstances justifying the waiver, including any hardship affecting the person liable to pay the fee.

Pt 4 (Heading
and reg. 30)
inserted by
S.R. No.
139/2010
reg. 6.

**PART 4—PRESCRIBED PURPOSE FOR APPLICATIONS
FOR LICENCES UNDER SECTION 51(1) FOR TAKING AND
USING WATER IN DECLARED WATER SYSTEMS**

Reg. 30
inserted by
S.R. No.
139/2010
reg. 6.

**30 Prescribed purpose for applications for licences for
taking and using water in declared water systems**

For the purposes of section 51(IAA)(b) of the Act,
a prescribed purpose is watering of cattle or other
stock by any of the following persons—

- (a) a person who occupies land adjacent to a
waterway, who holds a licence under
section 130 or 138 of the **Land Act 1958** in
respect of a water frontage along that
waterway, the licence being a licence that
permits grazing for less than one month a
year for conservation purposes, and the water
frontage being land that has been fenced off
on or after 30 September 2004 to exclude
stock access to the waterway;
- (b) a person who occupies land adjacent to a
waterway, who previously held a licence at
any time under section 130 or 138 of the
Land Act 1958 in respect of a water
frontage along that waterway, the licence
being a licence that permitted grazing, and
was—
 - (i) cancelled in order to implement a
recommendation of the Victorian
Environmental Assessment Council; or
 - (ii) surrendered as part of an arrangement
for the water frontage to be managed by
a committee of management.

**PART 4A—PRESCRIBED PERSONS TO BE OCCUPIERS FOR
THE PURPOSES OF WATER-USE REGISTRATION**

Pt 4A
(Heading and
reg. 30A)
inserted by
S.R. No.
88/2012 reg. 4.

30A Prescribed persons

Reg. 30A
inserted by
S.R. No.
88/2012 reg. 4.

For the purposes of section 64APAA of the Act the following persons and classes of person who have a right of access to land or responsibility for the provision of a service to land are prescribed as occupiers in relation to that land—

- (a) the Water Holder;
- (b) an incorporated body responsible for supplying or delivering water to land owned or occupied by persons who are represented by the incorporated body;

Note

An incorporated body includes the incorporated committee of a community water supply scheme established under section 244 of the Act.

- (c) a person responsible for undertaking road construction or maintenance activities on land that require the use of water;
- (d) a person responsible for undertaking an activity that requires the use of water on land for dust suppression.

Note

Section 3(1) of the Act defines *person* as an individual or an incorporated body for the purposes of water-use registration.

Pt 5 (Heading
and reg. 31)
inserted by
S.R. No.
139/2010
reg. 6.

PART 5—PRIVATE DAMS

Reg. 31
inserted by
S.R. No.
139/2010
reg. 6.

31 Notice of constructing a new private dam or altering an existing private dam

- (1) A person who occupies land located within a rural residential area must not—
- (a) construct a new private dam; or
 - (b) alter an existing private dam—
- on that land unless the person has first given written notice to the Minister.
- Penalty: 10 penalty units.
- (2) Notice under subregulation (1) must include the following information—
- (a) the name, address and contact telephone number of the person registering the proposed construction of a new private dam or the proposed alteration of an existing private dam;
 - (b) the geographical location of the new private dam or the existing private dam including—
 - (i) the GPS coordinates; and
 - (ii) the coordinate system used to determine the GPS coordinates;
 - (c) in the case of a new private dam, a description of the dam, including the estimated capacity and wall height of the dam where applicable;

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- (d) in the case of an alteration of an existing dam, a description of the alterations including the estimated capacity and wall height of the dam where applicable.
- (3) An application for a licence to take and use water from a private dam under section 51 of the Act is a written notice for the purposes of subregulation (1).
- (4) Subregulation (1) does not apply to a person who is required to make an application under section 67 of the Act for the issue of a licence to construct, alter, operate, remove or decommission a private dam.
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ENDNOTES

1. General Information

The Water (Resource Management) Regulations 2007, S.R. No. 75/2007 were made on 26 June 2007 by the Governor in Council under section 324 of the **Water Act 1989**, No. 80/1989 and came into operation on 1 July 2007: regulation 3.

The Water (Resource Management) Regulations 2007 will sunset 10 years after the day of making on 26 June 2017 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Water (Resource Management) Regulations 2007 by statutory rules, subordinate instruments and Acts.

Water (Resource Management) Amendment Regulations 2009, S.R. No. 123/2009

Date of Making: 13.10.09

Date of Commencement: 16.10.09: reg. 3

Water (Resource Management) Amendment Regulations 2010, S.R. No. 139/2010

Date of Making: 26.10.10

Date of Commencement: 1.1.11: reg. 3

Water (Resource Management) Amendment Regulations 2012, S.R. No. 88/2012

Date of Making: 21.8.12

Date of Commencement: 21.8.12

Water (Resource Management) Amendment Regulations 2013, S.R. No. 163/2013

Date of Making: 10.12.13

Date of Commencement: 10.12.13

Water (Resource Management) Amendment Regulations 2014, S.R. No. 69/2014

Date of Making: 17.6.14

Date of Commencement: Regs 5–7 on 1.7.14: reg. 3

3. Explanatory Details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2014 is \$13.24. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.