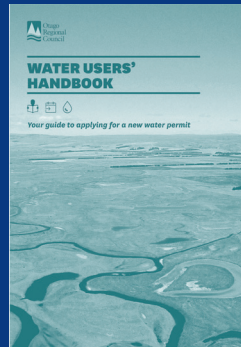




For information on applying for a new water permit, please see our Water Users' Handbook.



Contact:



Otago Regional Council

70 Stafford St

Private Bag 1954 | Dunedin 9054

03 474 0827 | 0800 474 082

www.orc.govt.nz

Retaining legal access to :

Your Water Race

SECTION 417
Certificate



On completion of the application and registration

- The occupation of the land by the race is preserved in perpetuity
- The line of the race is documented and confirmed in a legal form
- Your access to the race for maintenance is continued up to six metres across the width of the race

Further changes in ownership

It is important once a s417 certificate is registered on land titles, that if ownership of the relevant water permit changes in the future, that the names on the titles for access to the water via a race should also change. This process can be completed through LINZ. This is particularly important if land is subdivided.

What is this and when do I need one?

Presently a Deemed Permit (mining privilege) gives you the right to convey water over your, and/or other people's property to where the water is used. From 1 October 2021, the right to convey that water will expire. Before then, you will need to apply for new legal access recognised under the Resource Management Act 1991, known as a Section 417 Certificate.

You may also need a Section 417 certificate if you have been conveying water in a water race under the permitted activity rules of the Regional Plan Water.

Why do I need one?

Often water races can extend over multiple properties. Just as your Deemed Permit expires on 1 October 2021, the land part (constituting the water race) also expires on 1 October 2021. In addition to having a new water permit in place, you will need to have a Section 417 Certificate and registered this Certificate on the title of the land to ensure that you have continued protection over the race on neighbouring land. This certificate forms part of documentation which provides legal access to the race from where your water is conveyed. A section 417 certificate also sets out the line of the water race on a map.

Without a certificate that has been granted (and registered on the land title/s) the Deemed Permit will no longer protect the route of the race, and you will have to negotiate private easements with the land owners.

When is it not applicable?

If the route of the race has been substantially altered and does not match the description given in the mining privilege, then Council cannot issue a section 417 Certificate. A section 417 Certificate also cannot be issued for sections of a race.

Who can apply?

It is best if all the holders of the deemed land use permit for the race apply for the Section 417 certificate. This means they will all be listed as having access to the race on the relevant land titles. It is possible for a single co-holder of a Deemed Permit to apply for a Section 417 certificate. However, this approach may result in problems using the water race if one of the co-holders of the race licence doesn't apply.

APPLICATION PROCESS



Complete your application using form 4B, which can be downloaded from the Otago Regional Council website: www.orc.govt.nz/media/4476/form-4b-certificate.pdf

Preparation - Land Ownership Details

You will also need to acquire the Certificate of Title references, and the legal descriptions (including the full names of all the title holders) for the land that the water race crosses.

Who can help me with this?

Consultants involved in land title work can assist with finding out the Certificate of Title references, and the legal descriptions (including the full names of all the title holders) and prepare a schedule that specifies the land owner/s, certificate of title reference/s and legal description/s for the parcels of land/s that the water race crosses.

You can complete this yourself by requesting property details from your local council, via their rates database.

I have the Certificate - What Next?

When you have been granted a section 417 certificate – to legally enact this it needs to be registered immediately against the land titles specified on the appended schedule to the certificate. For more information on this you can contact LINZ on 0800 665 463 or have this arranged through your consultant.

Preparation - Map

Applicants are required to provide a map that clearly shows the route of the water race and land parcels the race travels through.

The original mining privilege documents were not always fully detailed. So it may take some time to collate this information.

Where can I go for help with this?

- Land Information New Zealand (LINZ)
- Satellite images (e.g. Google Maps)
- Some topographical maps have water races marked on them
- Historic maps and photos

