What does the Local Government (Water Services) Act 2025 mean for rural landowners?

Practical guidance for farmers, lifestyle block owners, forestry owners, and other rural landholders

Introduction

The Local Government (Water Services) Act 2025 (**Act**) forms part of the Government's "Local Water Done Well" reforms. The Act replaces the water services framework for accessing private land previously contained in the Local Government Act 2002, while also introducing a new standalone regime governing how councils and water organisations provide and manage water services.

For rural landowners, the key provisions concern access to private land for the installation, operation, inspection, maintenance, renewal and replacement of water services infrastructure.

This article outlines the provisions that rural landowners should be aware of and provides practical guidance on what to do if a water service provider seeks access to private land.

What is a water service provider?

A water service provider is the entity responsible for providing water services within a particular area (including stormwater and wastewater). Depending on the delivery model adopted, this may be a territorial authority (such as a district or city council) or a water organisation established to provide water services on behalf of one or more councils.

Why does the Act matter?

Rural properties frequently contain, or are traversed by, water infrastructure that serves wider communities. As a result, farmers and other rural landowners will be affected by the Act's provisions relating to access.

The powers granted to water service providers are balanced by safeguards for landowners, including the requirement for the provider to give prior notice, the ability to impose reasonable conditions of such access, and potential compensation where there is a reduction in the value, utility or enjoyment of land resulting from the public work.

These powers may also apply to adjacent land where entry onto that land is necessary to carry out work in relation to the relevant infrastructure. This may be important where the most practical access route crosses a neighbouring farm, forestry block or other rural property.

When can a water service provider enter private land?

A water service provider may enter private land where it considers entry necessary or desirable for:

- constructing or placing new water services infrastructure;
- managing, controlling, monitoring, or eliminating any risks relating to water services infrastructure and processes;
- operating, inspecting, maintaining, completing, altering, renewing, or replacing any water services infrastructure and processes; and
- carrying out work in relation to overland flow paths or watercourses.

The level of consent to the proposed entry depends on the type of work being undertaken.

New infrastructure generally requires consent

For work involving the construction or placement of new water services infrastructure, the provider's notice must ask the owner to state whether they consent to the proposed entry and work. The owner may consent unconditionally, decline consent or consent subject to reasonable conditions.

This publication is intended only to provide a summary of the subject covered. It does not purport to be comprehensive or to provide legal advice. No person should act in reliance on any statement contained in this document without first obtaining specific professional advice. If you require any advice or further information on the subject matter of this article, please contact the partner/solicitor in the firm who normally advises you.

What does the Local Government (Water Services) Act 2025 mean for rural landowners? (Continued)

Different mechanisms apply to existing infrastructure

For maintenance and operational works relating to existing infrastructure watercourses and overland flow paths, landowners generally cannot refuse access, but they can impose reasonable conditions to protect their property and farming operations.

Landowners must generally be given notice

Except where the Act's urgent work provisions apply, a provider must notify the owner before entering the land:

- at least 30 working days before the proposed entry for work involving the construction or placement of new infrastructure;
- at least 10 working days before the proposed entry for maintenance, completion, alteration, renewal or replacement of existing infrastructure or work involving an existing overland flow path or watercourse;
- on reasonable notice for the operation or inspection of existing infrastructure or an existing overland flow path or watercourse.

The first two categories above require a written notice in a specified form. If the proposed entry relates to the operation or inspection of existing water services infrastructure or an existing overland flow path or watercourse, the notice may be made by telephone or any other appropriate manner.

Landowners can impose reasonable conditions

A significant protection for rural landowners is the ability to impose reasonable conditions on access and works in both instances of new and existing infrastructure. Depending on the property and the proposed work, conditions might address:

- permitted access routes;
- stock movements and the security of gates;
- timing of entry and work to avoid critical farming operations;
- reinstatement of disturbed ground, fences, tracks, or drainage;
- health and safety requirements.

However, conditions cannot:

- delay entry by more than 15 working days;
- require payment or other consideration as a condition of access;
- prevent the provider from effectively exercising its statutory powers; or
- limit or override a legally binding agreement between the landowner and the provider.

Landowners have 10 working days to respond to a provider's notice, so it is important to act promptly if a notice is received.

What happens if you disagree?

In instances where a landowner declines consent or imposes conditions deemed unreasonable by the provider (or in relation to new infrastructure, where the landowner does not respond to the notice), the provider must arrange for an internal review by a person independent of the matter who is employed or engaged by the provider as a reviewer. The reviewer may ask for further information from both the provider and the landowner and can ultimately:

- determine the matter where the landowner has not responded to a notice;
- confirm the position taken by the landowner;
- set aside the landowner's decision and determine the work can proceed (and may or may not include reasonable conditions on entry), if the landowner declines consent; or

This publication is intended only to provide a summary of the subject covered. It does not purport to be comprehensive or to provide legal advice. No person should act in reliance on any statement contained in this document without first obtaining specific professional advice. If you require any advice or further information on the subject matter of this article, please contact the partner/solicitor in the firm who normally advises you.

What does the Local Government (Water Services) Act 2025 mean for rural landowners? (Continued)

- vary, remove or substitute conditions imposed by the landowner, if the landowner has imposed conditions.

A landowner may appeal a reviewer's decision to the District Court. If the Court is satisfied that:

- carrying out the work is necessary or desirable for providing water services; and
- the provider has taken reasonable steps to negotiate consent and agree conditions with the landowner; and
- in relation to the construction or placement of water services infrastructure, no practical and comparably priced alternative exists,

then the Court may authorise the provider to enter the land and carry out the work (and may impose appropriate conditions).

Different appeal provisions apply to Māori-owned land, and certain appeals are heard by the Māori Land Court.

Urgent work

The usual notice and consent processes do not apply where immediate action is required in a declared emergency or where an authorised person reasonably believes that a specified serious risk exists. In those circumstances, the provider must give the owner information about the work as soon as practicable after the work begins.

Can you claim compensation?

The exercise of the provider's statutory entry and work powers is subject to Part 5 of the Public Works Act 1981 in relation to compensation for injurious affection to land. Injurious affection refers to a reduction in the value, utility, or enjoyment of land resulting from public works and may give rise to a claim for compensation even where no land is taken. Examples of injurious affection may include a loss of productive land, or a reduction in the property's value. The amount of compensation may be agreed between the provider and the landowner or, if agreement cannot be reached, determined under the Public Works Act process.

Compensation is not automatic merely because a provider enters the land. Whether compensation is available, and the amount payable, will depend on the nature and effects of the work. Landowners should obtain advice where the proposed work may affect the value or use of their property and should keep clear records of any loss, damage or disruption.

Practical steps for rural landowners

1. Identify whether council-owned or provider-owned water infrastructure is located on your property;
2. Review your record of title and any easements, licences, deeds or access arrangements relating to that infrastructure;
3. Respond promptly to any notice received from a water service provider;
4. Consider conditions needed to protect farming operations, stock, crops, forestry activities, access, drainage, and biosecurity;
5. Photograph affected areas before work begins and keep records of any loss, damage, or disruption;
6. Seek legal advice if consent is requested for new infrastructure, proposed conditions are disputed, or the work may materially affect the property.

Key Takeaway

The Act gives water service providers significant powers to enter private land and carry out infrastructure work, but those powers are subject to procedural safeguards. Rural landowners should respond promptly to notices, identify any conditions needed to protect the use of their land, check existing easements or agreements and

This publication is intended only to provide a summary of the subject covered. It does not purport to be comprehensive or to provide legal advice. No person should act in reliance on any statement contained in this document without first obtaining specific professional advice. If you require any advice or further information on the subject matter of this article, please contact the partner/solicitor in the firm who normally advises you.

What does the Local Government (Water Services) Act 2025 mean for rural landowners? (Continued)

document any loss, damage or disruption caused by the work.

Want to know more?

If you have any questions, please contact our specialist Rural and Agribusiness Team.

This publication is intended only to provide a summary of the subject covered. It does not purport to be comprehensive or to provide legal advice. No person should act in reliance on any statement contained in this document without first obtaining specific professional advice. If you require any advice or further information on the subject matter of this article, please contact the partner/solicitor in the firm who normally advises you.