Internal Affairs
Te Tari Taiwhenua

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LOCAL WATER DONE WELL

Factsheet: Arrangements for land access

This is one of a series of factsheets giving an overview of key aspects of the Local Government (Water Services) Act 2025 and the associated Local Government (Water Services) (Repeals and Amendments) Act 2025.

Together, the Local Government (Water Services) Act 2025 (referred to as **the standalone Act** in this factsheet) Local Government (Water Services) (Repeals and Amendments) Act 2025 (referred to as **the Repeals and Amendments Act** in this factsheet) set out the enduring settings for the new water services system. They are the third tranche of legislation in the Government's three-stage process for implementing Local Water Done Well.

This factsheet provides an overview of arrangements that apply to water service providers who need to access land to carry out water services infrastructure work.

It should be read alongside other Local Water Done Well factsheets.

What does the legislation do?

Arrangements for land access

The new land access provisions in the standalone Act are different, and somewhat more restrictive, than those currently provided under the Local Government Act 2002 (LGA02). They have been designed to be more like those provided for other non-local authority network utility operators, which provide more protections and certainty for private landowners, while still allowing for the distinct characteristics of water services infrastructure.

The standalone Act grants water service providers the powers they need to access land to build, maintain and inspect their water services infrastructure, including in urgent and emergency situations. Dispute resolution processes are designed to give an appropriate balance between public needs and private landowners' interests.

In providing these powers consideration has been given to:

- the needs of water service providers in providing and operating water services infrastructure;
- the rights and interests of property owners;
- the practical constraints that impact on the placement and routing of water services infrastructure; and
- the relative independence of water organisations compared to the democratically accountable councils.

Water service providers' power to enter privately owned land to carry out work

The standalone Act provides for water service providers to enter land to carry out work in their service areas to:

- construct water services infrastructure;
- manage, control, monitor, or eliminate any risks relating to water services infrastructure and processes;
- operate, inspect, maintain, complete, alter, renew, or replace any water services infrastructure and related processes;
- carry out work in relation to an overland flow path or watercourse; and
- carry out work in road and rail corridors.

Notice requirements to enter privately owned land

Before a water service provider can exercise its powers to enter land to carry out work in its service area, it must provide notice to the owner of the land. The notice requirements in the standalone Act are intended to reflect those that apply to other utility providers.

In general, the notice requirements are aligned with the impact of the proposed works for private landowners and/or the urgency of the works that must be carried out (see sections 162 and 177). The key requirements are:

Nature of work	Notice required
Work to build or place new water services infrastructure.	30 working days written notice
Work to maintain, renew, alter or replace existing water services infrastructure.	10 working days written notice
Inspection or operation of an existing water services infrastructure, an overland flow path or a watercourse.	Reasonable notice, including by phone
Urgent works where an emergency has been declared or where a specified serious risk exists, with information as to the action taken and reasons to be provided as soon as practicable.	None

The standalone Act also sets out the requirements for officers, employees or agents of a water service provider to produce evidence of identity and authority on any entry to land.

Consent and conditions for access to works on privately owned land

Upon receiving notification of proposed entry to privately owned land to carry out new works, the landowner must either grant or decline consent to the entry to land and, if granting consent, can place reasonable conditions on a water service provider's access and/or the works. Landowners cannot decline consent for access to existing works but may still specify reasonable conditions.

In general, landowners are required to give written notice to confirm or refuse consent and/or impose reasonable conditions within 10 working days, but the legislation allows them to respond directly if, for example, the notice is being given by telephone or at the door for minor or urgent works. Any conditions that landowners impose on water service providers may not:

- delay the entry by more than 15 working days;
- require monetary or other consideration;
- defeat the ability of the water service provider to effectively exercise its powers of entry; or
- limit or override any legally binding agreement (whether new or existing) between the owner or the water services provider (e.g. an easement).

Reviews and appeals related to disputes over consent and access conditions

A water service provider is required to conduct an internal review process (section 164), which will operate independently of the provider's operational decision making, to hear all disputes concerning consent or conditions of land access. If the landowner is dissatisfied with the outcome of the internal review process, they can appeal to the District Court.

Land access in relation to Māori-owned land

The standalone Act makes specific provisions for access to Māori-owned land, designed to be equivalent to the general provisions while taking account of the different ownership arrangements of different types of Māori-owned land. Specific notice requirements apply to Māori-owned land where a marae or urupā is situated, the land is Māori reservation or Māori customary land, with definitions following Te Ture Whenua Māori Act 1993 (see sections 4 and 162). Additionally, if the owners of those types of Māori land do not respond, the issue cannot be determined through an internal review process, but the water service provider may appeal to the Māori Land Court.

The requirements differ from the general requirements as follows:

- Notification of proposed entry and work must be given to a wider range of interested parties if applicable, including any marae situated on the land, trustees of any marae associated with an urupā or Māori reservation on the land, and the Māori Trustee (see section 162).
- Appeals go to the Māori Land Court and then Māori Appellate Court rather than the District Court (see sections 166, 170 and 171).

What does this mean for councils?

The requirements for accessing private land for water services infrastructure are more detailed than the arrangements under the LGA02. Water service providers will need to update current processes and procedures for accessing private land to meet the requirements of the Act, but it is anticipated that most councils will already have processes for sufficient notice periods as well as review mechanisms.

The land access provisions of the LGA02 (including section 181) will no longer apply to access to land for water services purposes. However, any notifications made under LGA02 sections 171(4) and 181(5) in place at the time of enactment will remain valid under Schedule 1, clause 9 of the standalone Act.

Further information

The Local Government (Water Services) Act 2025 and Local Government (Water Services) (Repeals and Amendments) Act 2025 are available at www.legislation.govt.nz

For further information about Local Water Done Well, including guidance and information for councils, visit www.dia.govt.nz/Water-Services-Policy-and-Legislation

Questions? Contact waterservices@dia.govt.nz