

Grant of Right

Frequently Asked Questions

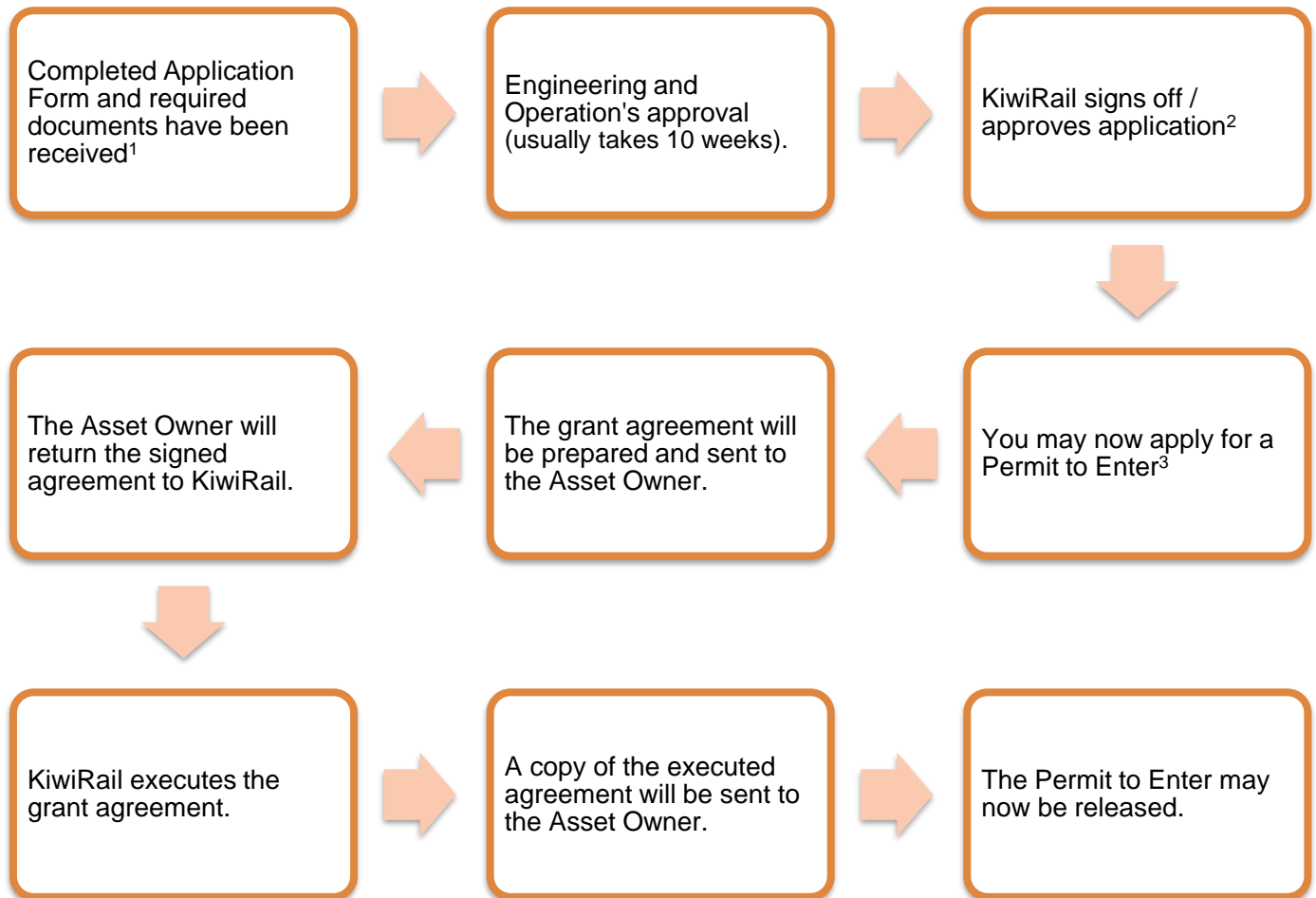
What is the Grant process?	The Grant process involves obtaining KiwiRail's approval for activities such as installing, replacing, maintaining, or upgrading assets on rail land, as well as securing approval for other proposed works.
What is a Grant?	<p>A Grant is an agreement between KiwiRail (the Grantor) and a person or organisation (the Grantee) who wants to have and maintain an asset on rail land. It sets out the responsibilities of each party and identifies the location along the railway line where the Grantee may cross the railway or install the asset.</p> <p>These rights are granted under Section 35 of the New Zealand Railways Corporation Act 1981, which empowers the Corporation through KiwiRail to grant rights over, or under, any railway land, subject to conditions and payments of fees.</p>
Does everyone who has or maintains an asset on rail land need a Grant agreement?	Yes. Everyone who has and maintains an asset on rail land needs to have a legal agreement in place giving them the right to do this. A Grant agreement records these rights.
If I already have a Grant agreement and want to replace or upgrade it, do I need to advise KiwiRail?	<p>Yes. For safety reasons, we need to know what is installed on rail land and the specification of the asset (e.g. its nature and size).</p> <p>When you replace and upgrade existing assets or install new assets on rail land, these changes must be documented in a Grant agreement too.</p>
What types of assets need a Grant agreement?	Pipes, cables, bridges or underpasses, power and communications, water races and open drains, level crossings, rights of way and pathways, and other utilities and services like billboards and advertising.
Can I add additional assets to an existing installation?	Yes, however you will need to apply for an additional Grant. You will need to provide As Built plans and provide documents showing that the asset will not fail or cause disruption to rail traffic and there's sufficient clearance beneath existing structures.
How do I apply for a Grant?	The form is available online, Application Form for a Grant or you can email grants@kiwirail.co.nz so we can send you the link to the form. When we receive your completed form and proposed plans, our engineers will assess whether they meet our requirements. Please allow up to 10 weeks for processing.
Do I need to pay a fee?	Yes. The application fee depends on the asset involved. Fees range from \$1,690 plus GST to \$3,450 plus GST. We also charge a one-off documentation fee of \$850 plus GST and an ongoing annual fee (below).
I haven't had to pay a fee before. Why should I pay one now?	Like any other business, we need to cover the costs of managing our property. The fee reflects those costs.

How much is the annual fee and how is it set?	The fee depends on the quantity, type of asset involved and the linear metres or area it occupies. The minimum annual fee is \$400 plus GST.
What happens if I don't agree with the fee?	If you still want to have your asset on rail land, you can object to the proposed fee. You will need to make your objection to us in writing, indicating the fee that you feel is appropriate. We will review your feedback, make any reassessments required and confirm the fee in writing to you.
Will the fee increase over time?	There's a 3% fixed increase per annum and a fee review every five years.
What happens if I don't pay the annual fee or don't agree to enter into a Grant agreement with KiwiRail?	No-one will be asked to remove anything from their own land. However, if you are using KiwiRail land, we will need to take appropriate steps to remedy the situation. It's illegal to install an asset on another owner's property without their consent or having appropriate agreements in place.
Are there payment options to make paying the fee easier?	Yes, we can agree on payment options. You can pay annually, half-yearly or quarterly. Please contact grants@kiwirail.co.nz .
How do I pay the fee?	To process your application, the application and documentation fee needs to be paid. You will be asked to provide a purchase order number. If you're unable to generate one, please email us so we can send a Direct Debit Form to you.
How long do I have to remove the structure / asset from KiwiRail land?	If you don't have an existing agreement in place, we'll work with you to ensure you have a reasonable period of time. This period will depend on the type of asset installed. However, as a guide, we would suggest removal within three months.
Does KiwiRail have preference on what type of assets may be installed on rail land?	<p>Yes. KiwiRail specifications are available on our website. Link to the documents:</p> <ul style="list-style-type: none"> • C-SP-AE-64322 Installation of Utility Structures on Railway Land • T-ST-DE-5212 - Clearances • Overbridge - designed to NZTA Bridge Manual • B-ST-DE-3036-Rail-Bridge-Design-Waka-Kotahi-Bridge-Manual-Annex • C-ST-RW-4104-Retaining-Walls <p>Alternatively, you can also email grants@kiwirail.co.nz to obtain a copy of the documents.</p>
Does KiwiRail have a preference on how assets like pipe will be removed from the rail land?	For safety reasons, our engineers will assess each situation on a case-by-case basis. Please contact us to discuss it further.
If I want to remove the asset or start work on the rail land, who should I notify?	For safety reasons, we need to know what activities are taking place on the rail land. Please apply for a Corridor Access Request by emailing nationalpermits@kiwirail.co.nz . Please note that it is illegal to enter the rail corridor without a Permit to Enter.
I'm about to sell my property. What should I do?	If you are planning to move, you must inform us and provide the Grant details to the new owner. The new owner will need to complete the Grant application form and sign the grant agreement to transfer ownership of the asset. If the new owner does not wish to take ownership of the asset, it must be removed or capped before the termination notice of the grant agreement expires.

Who can I contact at KiwiRail to find out more?

Please contact our KiwiRail property team on grants@kiwirail.co.nz and our team will be pleased to help you. Please include your full name, contact details, address, and grant number if you have one.

Processing a Grant Application



Important Information

¹ It is important that the completed Application Form and the drawings / plan you're submitting are consistent, correct and compliant with KiwiRail standards. This will make it easier for us to assess the application.

² We will let you know if your application is declined or additional information / document is required.

³ You may now apply for a permit to enter. However, we will only authorise the release of your permit when the grant agreement has been executed by both parties.