Investment Plan

Special Forestry Test

(One-off Consent)

Use this template for applications for a one-off consent under the special test relating to forestry activities (special forestry test).

It is important that you provide us with accurate and complete information. It is an offence to make a false or misleading statement or material omission in any information or document provided to the Overseas Investment Office (OIO).

The OIO may use relevant legislation to share details of this application with other agencies to the extent permitted by law and as required to complete the application process.

Instructions:

* Please do not remove the instruction text from this template.
* Use the latest version of this template. Download this template from our website before each use.
* Follow the guidance in each section. Provide all required information.
* Be concise and use plain English. Use headings and tables (if relevant) and explain industry terminology.
* This is a living document and must be updated during the assessment process if further information is provided. Updated versions of this document must be recorded in the table below and with [tracked changes](https://support.office.com/en-us/article/Track-changes-in-Word-197ba630-0f5f-4a8e-9a77-3712475e806a#ID0EAABAAA=2016,_2013) so the OIO can easily identify those updates.

**You must upload the completed investment plan to your online application for consent before you submit the application.**

Electronic Filing Requirements

Your investment plan and supporting information must be submitted electronically using our [Application Submission Webform](https://oio.linz.govt.nz/forestry-submission). The Webform is a secure upload site and provides details of our electronic filing requirements.

Please do not provide hard copy versions of your documents.

|  |
| --- |
| Checklist |
| 1. | Electronic copy of your signed application (without appendices) |[ ]
| 2. | Electronic copy of each appendix to your application (number and describe each appendix – i.e. ‘Appendix 1 – X’) |[ ]
| 3. | All PDF documents are:* ‘Printed to PDF’, or scanned and OCR’d (i.e. all text in the document can be copied)
* Free from security restrictions
* In colour (if the document contains colour)
* If scanned, at 300 dpi (where possible)
 |[ ]

Version control

Record the details of each version of the investment plan below.

|  |  |
| --- | --- |
| Applicant Name | Click or tap here to enter text. |
| Version | Date | Description |
| e.g. 1.0 | e.g. 01/01/20 | e.g. First version submitted to OIO |
| [Add] | [Add] | Click or tap here to enter text. |
| [Add] | [Add] | Click or tap here to enter text. |

Applicant signature – Version 1.0

Only version 1.0 and the final version of the investment plan must be signed.
Sign version 1.0 of the application below.

|  |
| --- |
| Version 1.0 |
| [Sign here] | Date [e.g. 01/01/20] |
| [Name] | [Position] | [Date] |

Applicant signature – Final version

|  |
| --- |
| Do not sign the final version of the investment plan below until the OIO requests you to. |
| [Sign here] | Date [e.g. 01/01/20] |
| [Name] | [Position] | [Date] |

Section 1: Land

Use this section to address criteria relating to special land, farm land advertising and residential land.

Residential land

If the relevant land includes residential land, does that land adjoin[[1]](#footnote-1) non-residential land that also forms part of the relevant land?

Required Content:

Address the above criterion - identify the location of the residential land and describe it (if applicable).

Required attachments to be uploaded:

A cadastral map and aerial photo clearly identifying residential land and adjoining land

1. Response

Click or tap here to enter text.

Special land

Are you seeking consent to acquire a freehold interest in land that is or contains special land?

Required Content:

Provide the following:

* A clear description of the special land, the reason why it has been determined to be special land and clear identification of the special land on maps; or
* Explain if the offer requirements are not relevant and why (e.g. the applicant is not acquiring a freehold interest); or
* Explain why any (other) waterbodies associated with the land, including river boundaries, are not special land - e.g. where the riverbed or lakebed does not exceed the minimum width/areas in the Act).

Note - it is not sufficient to state that the land ‘may’ include special land. If large areas of land are involved, contact the OIO before making your application so we can discuss the best way to address the requirement to identify special land.

1. Response

Click or tap here to enter text.

If yes, has the special land been offered to the Crown in accordance with the Regulations?

Required Content:

Provide the following:

* A summary of the proposed offer.
* If relevant, submissions in support of any request for the Crown to waive the offer requirement (e.g. where the special land is a man-made irrigation pond). Contact the OIO about the possibility of a waiver before submitting your application.

Required attachments to be uploaded:

* A notice of intention to offer special land to the Crown signed by the vendor (refer regulation 13 and 14 of the Regulations).
* If appropriate, a survey of the special land. Contact the OIO to determine whether a survey will facilitate the special land offer process.
1. Response

Click or tap here to enter text.

Farm land

Is the relevant land farm land (refer s6 and OIO [guidance](http://www.linz.govt.nz/node/11577))?

Required Content:

Provide reason(s) why the relevant land is or is not farm land.

1. Response

Click or tap here to enter text.

If yes, has the farm land or farm land securities been offered for acquisition on the open market to persons who are not overseas persons in accordance with the procedure set out in regulations (refer [s16(1)(f)](http://www.legislation.govt.nz/act/public/2005/0082/latest/DLM358027.html?search=ts_act_overseas+investment+act_resel&p=1#DLM358027), [r4-11](http://www.legislation.govt.nz/regulation/public/2005/0220/latest/DLM341393.html) and OIO [guidance](http://www.linz.govt.nz/node/11577))?

If the relevant land includes farm land then the farm land, or farm land securities, must be advertised unless an exemption applies (i.e. the requirement applies regardless of proposed use (e.g. forestry) or the interest being acquired including a forestry right (over farm) land or lease). Contact the OIO if you are unsure how the farm land advertising requirements apply in your situation.

Required Content:

Provide the following:

* Describe the advertising undertaken clearly identifying the date the farm land was first advertised, dates of any subsequent advertisements and the mediums published in.
* Explain how the advertising meets the requirements in the Regulations.
* Confirm whether the advertising was before or after the agreement for sale and purchase was entered into. If advertising occurred afterwards then explain how the land was genuinely available for acquisition by New Zealanders (e.g. the agreement contained a ‘cash out’ clause giving the vendor the ability to accept any offer presented to it). We will closely review post-agreement advertising to ensure it is genuine.

Note - the advertising period of 20 working days (as set out in Regulation 9) is calculated with the date of the advertisement equalling day ‘0’.

Required attachments to be uploaded:

A copy of relevant advertisements showing listing date and medium published in.

1. Response

Click or tap here to enter text.

Is the farm land or are the farm land securities exempt from the advertising criterion under the Gazette notice or is the applicant seeking an exemption (refer to s20, the [*Gazette notice*](https://gazette.govt.nz/notice/id/2005-go5192?year=2005&pageNumber=3018) and OIO [*guidance*](http://www.linz.govt.nz/node/11577))?

Required Content:

If relevant, explain why you consider your investment:

* Falls within the advertising exemptions set out in the Gazette notice; or
* Should be exempt from the advertising criterion having regard to the circumstances relating to the particular overseas investment, interest in land, or rights or interests in securities.

Note – Your request for an exemption under section 20(a) will be decided at the same time as your application. Exemptions will only be granted in limited circumstances (e.g. where a property is land locked). If you are requesting an exemption, or seeking to rely on a gazetted exemption, you should discuss the matter with the OIO before submitting your application.

1. Response

Click or tap here to enter text.

Section 2: Investment plan

Use this section to describe the sensitive assets you wish to acquire, what you plan to do with them and why – this is the story of your investment. You can refer to this information later when addressing the relevant criteria (avoid duplicating information).

We require this information to understand your investment, to identify the level of business experience and acumen required to make a success of the investment, to assess the risk profile of your application, and for statistical purposes.

Required content

Provide the following:

* The current use and condition of the relevant land.
* Describe what you plan to do with the land (and why) and how long you intend to own it.
* Identify whether your plans are contingent on another event and the timing of that event (e.g. obtaining resource consent).
* A breakdown of the current and proposed use of the land (use the table provided or similar) - be clear about the extent to which you will use the land for forestry vs non-forestry activities.
* Explain how this investment relates to any broader investment plans or business operations you have in New Zealand.
* Information about the existing, or planned, crop(s) of trees on the land including species type, proposed management regime, timeframes for planting / harvest / replanting, and what you plan to do with the harvested trees.
* Confirm whether you will register the land in the New Zealand Emissions Trading Scheme.
1. Response

Click or tap here to enter text.

|  |
| --- |
| [Property address and name – e.g. 42 Forest Hill Road, Sodor (Henry’s Forest)] |
| Land use | Current (ha) | Proposed (ha) |
| Forestry (total) | [25 ha] | [150 ha] |
| Unplanted (*other than farm land*) (total) | [25 ha] | [35 ha] |
| Farm land (total) | [150 ha] | [0 ha] |
| Land to be divested/subdivided and sold (total) | [N/A] | [15 ha] |
| **Total land use** | [200 ha] | [200 ha] |
|  |  |  |
| Forestry (total ha) | [25 ha] | [150 ha] |
| Existing plantation | [25 ha] | [25 ha] |
| New planting / afforestation – *at X stems per ha* |  [ *N/A* ]  | [125 ha] |
|  |  |  |
| Unplanted (total ha) | [25ha] | [35 ha] |
| Native bush (including scrub) | [10 ha] | [10 ha] |
| Unplantable – ridges, gullies, steep land | [10 ha] | [10 ha] |
| Infrastructure – roads, tracks  | [0 ha] | [5 ha] |
| Buffer land, set-backs, riparian planting  | [5 ha] | [10 ha] |
|  |  |  |
| Farm land (total ha) |  |  |
| Pasture  | [150 ha] and [stock numbers\*] | [N/A] |
|  |  |  |
| Land to be divested / subdivided and sold (total ha) | [N/A] | [15 ha] |
| Farm land |  [N/A] | [15 ha] |
| Forestry | [N/A] | [0 ha] |
| Other | [N/A] | [0 ha] |

\* *stock number defined as total number and type of stock on the relevant land.*

1. Response

Click or tap here to enter text.

Forestry activities

Will the relevant land be, or likely be, used exclusively, or nearly exclusively, for forestry activities?

Draw on your investment story to address this criterion.

Required content

Provide the following:

* Describe any buildings (e.g. dwellings) that are on the land, their existing purpose, and what you plan to do with them. If any dwellings are to be divested, state the expected timeframe for doing so.
* Confirm the extent to which the land will be used for forestry vs non-forestry activities (including activities carried out by third parties). Clearly identify any non-forestry activities and their nature (e.g. temporary grazing prior to planting). If any land is to be divested post-acquisition (e.g. land better suited for farming), state the expected timeframe for doing so.
* Confirm that the land will be, or is likely to be, used exclusively or nearly exclusively for forestry activities - address why this is still the case if the land will be, or is likely to be, used for non-forestry activities.
* Comments (if any) about the condition we must impose to ensure this criterion is met.

Note – using land for residential purposes is a non-forestry activity and is only permitted in certain situations. For example, for worker accommodation (addressed below) or temporarily prior to the divestment of dwelling(s).

1. Response

Click or tap here to enter text.

Will the land be used, or held for future use, for any residential purposes?

You can draw on the information provided above to answer this question.

1. Response

Click or tap here to enter text.

If yes, is that purpose a permitted purpose (i.e. worker accommodation supporting forestry activities)?

Required Content:

Provide the following:

* Information addressing the requirement that the relevant land only be used for:
* accommodation in support of forestry activities being carried out on the relevant land; and
* all buildings used for that accommodation are located on, or adjoin, land where those activities are being carried out.
* Comments (if any) about the condition we must impose to ensure this criterion is met.
1. Response

Click or tap here to enter text.

Replanting

When a crop of trees is harvested on the relevant land, will a new crop be, or likely be, established to replace the crop that is harvested?

Draw on your investment story to address this criterion.

Required content

Provide the following:

* Confirm you will replant trees after harvesting.
* If applicable, explain why an area cannot be replanted after harvest (e.g. changes in regional or district plan rules prevent replanting).
* If relevant, submissions in support of any request that the replanting requirement not apply to the land, or part of the land, because you do not have sufficient ownership or control (direct or indirect) of rights to comply with this requirement. Contact the OIO if you wish to discuss your request prior to submitting an application.
* Comments (if any) about the condition we must impose to ensure this criterion is met.
1. Response

Click or tap here to enter text.

Section 4: Existing arrangements / obligations

Use this section to identify and describe existing arrangements, obligations and consent conditions that relate to the relevant land and address the requirement that these must be continued.

Existing arrangements

Required content

Provide the following for each type of arrangement:

* The steps you have taken to identify all relevant arrangements (e.g. discussed matters with the vendor or engaged specialist advisor).
* Details of the relevant arrangement(s), including all parties to the arrangement and the nature of their obligations and how it applies in practice (i.e. ‘who, what, where, when, how’ information).
* Contact details for the other parties to the arrangement.
* Confirm how the arrangement is documented, identifying key parts of the arrangement that relate to the relevant requirement (e.g. to protect areas of indigenous vegetation or habitats of indigenous fauna).
* Confirm you will implement and maintain (as relevant) the existing arrangement and how you will do so.
* Details of any arrangements that you have identified but do not consider relevant and explain your reasoning (e.g. the arrangement must already be implemented and maintained under other legislation or because it is registered or noted on the record of title).
* Comments (if any) about the condition we must impose in relation to each arrangement.
* If relevant, submissions in support of any request that the Minister not apply or modify the requirement to implement and maintain (as relevant) an existing arrangement because you do not have sufficient ownership or control (direct or indirect) of rights to do so.

Required attachments to be uploaded:

* Documentation that evidences the relevant arrangements.

Indigenous vegetation/ fauna

Existing arrangements in place protecting areas of indigenous vegetation or habitats of indigenous fauna.

What steps have been taken to identify any relevant arrangements?

1. Response

Click or tap here to enter text.

Provide an explanation of what arrangements exist, if any, and how you will maintain or implement these.

1. Response

Click or tap here to enter text.

Trout, Salmon, Wildlife and Game

Existing arrangements in place protecting areas of habitats of trout, salmon, wildlife protected under section 3 of the Wildlife Act 1953, or game as defined in section 2(1) of that Act.

What steps have been taken to identify any relevant arrangements?

1. Response

Click or tap here to enter text.

Provide an explanation of what arrangements exist, if any, and how you will maintain or implement these.

1. Response

Click or tap here to enter text.

Public access

Existing arrangements in place providing access to land for members of the public or any section of the public.

What steps have been taken to identify any relevant arrangements?

1. Response

Click or tap here to enter text.

Provide an explanation of what arrangements exist, if any, and how you will maintain or implement these.

1. Response

Click or tap here to enter text.

Historic Heritage

Existing arrangements in place protecting any historic place or historic area that is entered on the New Zealand Heritage List/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014.

Note - there is no area threshold associated with historic places / areas under this requirement like there is with the historic place / area land sensitivities addressed in the sensitive land certificate. This question cannot be addressed solely by reference to a sensitive land certificate confirming those land sensitivities do not apply to the land.

What steps have been taken to identify any relevant arrangements?

1. Response

Click or tap here to enter text.

Provide an explanation of what arrangements exist, if any, and how you will maintain or implement these.

1. Response

Click or tap here to enter text.

Wāhi Tapu

Existing arrangements in place protecting any wāhi tapu or wāhi tapu area that—

* is entered on the New Zealand Heritage List/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014; or;
* is identified in the terms of any lease or forestry right, if the lease or forestry right is, in relation to the overseas investment, the interest in land, or one of the interests in land, described in section 12(a) of the Act.

Note - as above, this question cannot be addressed solely by reference to a sensitive land certificate.

What steps have been taken to identify any relevant arrangements?

1. Response

Click or tap here to enter text.

Provide an explanation of what arrangements exist, if any, and how you will maintain or implement these.

1. Response

Click or tap here to enter text.

Māori reservation land

Existing arrangements in place protecting any land that is set apart as Māori reservation and that is wāhi tapu under section 338 of Te Ture Whenua Māori Act 1993.

Note - as above, this question cannot be addressed solely by reference to a sensitive land certificate.

What steps have been taken to identify any relevant arrangements?

1. Response

Click or tap here to enter text.

Provide an explanation of what arrangements exist, if any, and how you will maintain or implement these.

1. Response

Click or tap here to enter text.

Existing consent conditions

Are there any existing consent conditions that require to be done, or prohibit from being done, anything on the relevant land in relation to the above matters?

Required content

Provide the following:

* The case number for the existing consent.
* The details of the relevant conditions.
* Confirm you will meet the requirements of the relevant conditions and how you plan to do so.
* If relevant, submissions in support of any request that the Minister not apply or modify the requirement to do, or not do things, as required under the existing conditions because you do not have sufficient ownership or control (direct or indirect) of rights to do so.
* Comments (if any) about the condition(s) we must impose in relation to this requirement.
1. Response

Click or tap here to enter text.

Existing log supply obligations

Are there any contractual obligations in place under which logs from trees harvested on the relevant land must be supplied to a person who intends to have the logs processed in New Zealand?

Required content

Provide the following:

* The steps you have taken to identify existing log supply obligations.
* Details of the relevant log supply obligation, including parties to the contract and key terms.
* Contact details for the other parties to the contract.
* Confirm you will supply logs as required the existing supply obligation (so long as the obligation remains in place), how it will do so any comments it wishes to make about consent conditions.
* Any obligations that you have identified but do not consider relevant (explain your reasoning).
* Comments (if any) about the condition we must impose to ensure this criterion is met.
* If relevant, submissions in support of any request that the Minister not apply or modify the requirement to supply logs in accordance with any existing contractual obligations because you do not have sufficient ownership or control (direct or indirect) of rights to do so.

Required attachments to be uploaded:

* Relevant log supply contract (if obtainable).
1. Response

Click or tap here to enter text.

1. Adjoins includes separated only by a public road (including a motorway or a State highway, and whether or not the road is formed). [↑](#footnote-ref-1)