Investment Plan

Modified benefit to New Zealand Test

**Application under the modified benefits test for forestry**

Use this template for applications for consent under the modified benefits test for forestry.

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/apply-forestry-modified-benefits). 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 as follows: ‘Appendix 01 – 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] |

Application signature – Final version

Do not sign the final version of the investment plan below until the OIO requests you to.

|  |  |  |
| --- | --- | --- |
| 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: Farm Land

Use this section to address criteria relating to farm land, farm land advertising, and the farm land benefit test.

Farm land

Is the relevant land farm land (refer section 6 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.

Farm land advertising

If yes, has the farm land or interests in farm land 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 section 16(1)(f), regs 4-11 and OIO [guidance](http://www.linz.govt.nz/node/11577))?

Required content:

Provide the following:

* Describe the advertising undertaken, clearly identifying the date the farm land was first advertised and when the advertising period ended, dates of any subsequent advertisements and the mediums published in.
* Explain how the advertising meets the requirements in the Regulations.
* Provide evidence of the advertising undertaken.
* Explain how the advertising occurred before any transaction was entered into (e.g., entering into the agreement for sale and purchase).
* If you have applied for a farm land advertising exemption under section 20(1)(a), please confirm this below and provide the required details in the relevant section of the online Consent form.

Note - the advertising period of 30 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, and links to, the advertisements as published, including newspaper or real estate listing. All mediums of advertising must show the listing date and include any price reductions over the course of the advertising.

1. Response

Click or tap here to enter text.

Farm land benefit test

Does the farm land benefit test apply to this investment (refer section 16A(1C))?

Required content:

Submissions on why the farm land benefit test does, or does not, apply to this investment.

Please note the farm land benefit test if applicable will be applied unless the investment clearly meets the criteria in section 16A(1D). If you consider your investment meets one of the criteria in section 16A(1D)(a)-(c), please clearly detail which applies and why.

If applicable, submissions on how the farm land benefit test is met should be included in Section 5: Farm Land Benefit Test.

1. Response

Click or tap here to enter text.

Section 2: Investment plan

Current state

Describe what the current owner has been, and is currently, doing with the relevant assets - this is your understanding of the situation. This information should be set out first as it provides the necessary background and context for your investment story and helps us assess the current state (counterfactual) of the investment as set out in section 16A(1A)(a) if required.

Information in this section should generally include specific details of the current owner’s business operations including the current condition of the relevant assets, productivity information, measures in place to protect the natural environment, historic heritage or public access and relevant background information. Be clear where this information has come from (e.g., discussions with the vendor / lessor, due diligence).

Note: We will request further specific information about the current state for each benefit claim you set out later.

Avoid duplicating information.

1. Response

Click or tap here to enter text.

Investment

Describe your investment and what you plan to do with it - this is the story of your investment. It should be clear to us what you plan to do with the assets (including key commitments and how long you intend to hold the investment) and why.

Your specific benefit claims are set out later but are expected to flow from this narrative. This will reduce the amount of background information required within each benefit claim.

Avoid duplicating information.

1. Response

Click or tap here to enter text.

|  |  |  |
| --- | --- | --- |
| [Property address – e.g., 42 Residential Road, Tidmouth, Sodor] | | |
| Land use | Current (ha) | Proposed (ha) |
| [Vacant undeveloped land] | [2.3 hectares] | [0 ha] |
| [Residential lots with houses] | [0 ha] | [1.8 ha] |
| [Local purpose (drainage) reserves, public walk ways, and other open spaces (to be vested in Council)] | [0 ha] | [0.2 ha] |
| [Roads, footpaths, and streetscape (to be vested in Council)] | [0 ha] | [0.3 ha] |
| Total | [2.3 ha] | [2.3 ha] |

Counterfactual

Modified benefits test for forestry

Address what the vendor is likely to do with the assets if they continued to own them and explain why (the counterfactual assessment is forward looking).

This is your understanding of the counterfactual at a high level. A more specific counterfactual analysis (benefit by benefit) will be applied under the benefits section below.

Counterfactual submissions should be well researched, and evidence based. More detailed analysis and evidence supporting your submissions may be provided (where necessary) in a separate report. The counterfactual scenario must be forward-looking and the timeframe for analysis should extend beyond that required to locate another purchaser.

1. Response

Click or tap here to enter text.

Section 3: Benefit claims

Address the benefits that are likely to flow from the investment. Identify and focus on the key benefits of the investment – not all benefit factors need to be satisfied. However, if the investment includes farm land, you will need to show a substantial benefit under the economic factor and/or oversight or participation by New Zealanders factors.

Only make a claim where:

* A factor is relevant to the investment (if the factor isn’t, then state ‘not relevant’);
* You can satisfy the key elements of the factor;
* The applicant is prepared to deliver that benefit (benefit claims will be subject to conditions and post consent monitoring); and
* The benefit is additional to any likely benefit if the vendor continued to own the land.

Making a claim

When making a claim:

* Clearly explain the initiative, include details such as the size and scale and how it will result in benefit to New Zealand.
* Be specific and where possible quantify the benefit – provide relevant figures and timeframes. Provide evidence and well researched claims (use a range if a specific figure cannot be provided and explain why).
* Address each key element of the relevant factor.
* Be concise and write in plain English (use headings and tables where appropriate and explain industry specific terminology).
* Identify whether the plan/benefit is contingent on another event and the timing of that event (e.g., obtaining resource consent).
* Be clear about what you are willing to commit to doing and have as conditions of consent.
* Avoid duplicating information.

Where necessary, provide more detailed analysis and supporting evidence in a separate report (e.g., a report from an environmental consultant). Any references to the report in your claim should be to the specific section of the report that evidences your claim. A report supports a benefit claim, it is not a substitute for a claim.

Address the extent to which the claimed benefit is additional to any likely benefit if the vendor continued to own the land, and why. Where necessary, use relevant data/reports to demonstrate this.

When claiming a benefit, you must also describe any directly comparable negative impacts likely to result from your investment (e.g., if you are claiming an increase in jobs as a benefit, also state if any jobs will be lost in other areas).

Economic Factor

Will the overseas investment result in, or is it likely to result in, economic benefits to New Zealand (refer section 17(1)(a))?

Examples may include:

* The creation or retention of jobs
* The introduction of technology or business skill
* An increase in productivity or export receipts
* A reduced risk of illiquid assets

Clearly outline the exact economic benefit arising from your claims and clearly set out the claims with defined headings if you wish to address multiple economic benefits.

If the investment includes farm land, this factor is deemed to be of high relative importance (refer section 16A(1C)(a).

1. Response

Click or tap here to enter text.

Environmental Factor

Will the overseas investment result in, or is it likely to result in, benefits to the natural environment (refer section 17(1)(b))?

Examples may include:

* Protection of indigenous flora and fauna
* Erosion control

For the environmental factor it will normally be insufficient to state ‘not relevant’ without further explanation. Potentially relevant areas must be identified even if no action is proposed.

Where possible please provide aerial photography/satellite imagery of the relevant land and/or expert reports. You can prevent further information requests by identifying areas of interest. E.g., if the land contains indigenous vegetation or fauna then identify these areas and explain how they are managed, protected, or identified under the current state.

If you have consulted any government agencies, environmental groups or sought any expert advice, include evidence of that consultation and any recommendations/findings made by the relevant entity.

1. Response

Click or tap here to enter text.

Public Access

Will the overseas investment result in, or is it likely to result in, continued or enhanced access by the public, or any section of the public, within or over the sensitive land or features giving rise to the sensitivity (refer section 17(1)(c))?

Examples may include:

* Access for recreational purposes
* Access for undertaking stewardship of, or exercising kaitiakitanga of the natural environment or historic heritage

Please detail any proposed new or existing arrangements in relation to public access on the land and, where possible, provide aerial photos, location maps or expert reports in relation to any proposed benefit.

Please be specific about the access to be provided including the purpose for which it is being provided such as walking, cycling, hunting, vehicle access.

1. Response

Click or tap here to enter text.

Historic Heritage

Will the overseas investment result in, or is it likely to result in, continued or enhanced protection of historic heritage in or on the relevant land (refer section 17(1)(d))?

Examples may include:

* Agreement to execute a heritage covenant (or comply with existing covenants)
* Agreement to support entry to wāhi tūpuna, wāhi tapu
* Agreement to support entry to wāhi tapu areas on the New Zealand Heritage List/ Rārangi Kōrero
* Taking other actions under the Heritage New Zealand Pouhere Taonga Act 2014 to recognise or protect heritage values
* Agreement to land being set apart as a Māori reservation

Please detail any areas of historic heritage on the land regardless of whether a benefit is claimed and describe all existing arrangements in place.

1. Response

Click or tap here to enter text.

Government Policy

Will the overseas investment, or is it likely to, give effect to or advance a significant Government policy (refer section 17(1)(e))?

Please clearly identify the Government policy being relied on, where possible provide links to the relevant publicly available key documents you are relying on. Claims should give clear examples of how the relevant policy will be given effect to or advanced.

1. Response

Click or tap here to enter text.

Oversight and Participation by New Zealanders

Will the overseas investment result in, or is it likely to, involve oversight of, or participation in, the overseas investment or any relevant overseas person by persons who are not overseas persons (refer section 17(1)(f))?

This factor is relevant to all investments and is deemed to be of high relative importance for investments involving farm land (refer s16A(1C)(a)). If New Zealanders are unlikely to have any oversight of or participation in the investment or relevant overseas person, then your conclusion should state this.

1. Response

Click or tap here to enter text.

Consequential benefits

Will the overseas investment result in, or is it likely to result in, other consequential benefits to New Zealand (refer section 17(1)(g))?

Any benefits claimed under this factor should not duplicate any information set out above.

1. Response

Click or tap here to enter text.

Section 4: Benefit to NZ

**Will the overseas investment, or is it likely to, benefit New Zealand (or any part of it or group of New Zealanders) (refer section 16A(1)(a))?**

Discuss the overall benefit to New Zealand and how it is proportionate to:

1. the sensitivity of the land (for example, the importance to New Zealand of the purpose for which the land is used, the size and value of the land, any sensitive features associated with the land, and the level of interest that the public have in the land); and
2. the nature of the overseas investment transaction (for example, the estate or interest being acquired, whether the estate or interest is temporary or permanent, and the degree of overseas ownership or control of the land or of the estate or interest in land).
3. Response

Click or tap here to enter text.

Section 5: Additional criteria   
for applications under the modified benefits test for forestry

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.

Forestry activities

Will the relevant land be, or is it likely to 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 that are on the land, their existing purpose, and what you plan to do with them (e.g., dwellings).
* 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., leaseback of farm land to vendor).
* Confirm 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 for worker accommodation (addressed below).

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 is it likely to be, established to replace the crop that is harvested?

Draw on your investment story to address this criterion.

Required content:

Provide the following:

* Confirmation you will replant trees after harvesting.
* If applicable, an explanation of 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 about your request before submitting your 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 6: Farm Land Benefit Test

If applicable, explain how the investment will meet the farm land benefit test (refer section 16A(1C)). In particular, explain how a benefit has been demonstrated, in relation to one or more of the factors of high relative importance, that are of a size or nature that represent a substantial benefit to New Zealand.

Required content:

Submissions on how the investment meets the farm land benefit test.

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)