Investment Plan

Benefit to New Zealand Test

Application for consent to acquire Sensitive land, or Sensitive land & Significant business assets

Use this template for all applications for consent under the benefit to New Zealand test, involving sensitive land and significant business assets.

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 Land Information New Zealand (**LINZ**).

LINZ 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 LINZ 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://www.oio.linz.govt.nz/oio-application-submissions). 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 attachments) |[ ]
| 2. | Electronic copy of each appendix to your application (number and describe each attachment as follows: ‘Attachment 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 LINZ |
| [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 LINZ requests you to.

|  |
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|  |
| [Sign here] | Date [e.g., 01/01/20] |
| [Name] | [Position] | [Date] |

Section 1: Land

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

Farm land

Is the relevant land farm land (refer section 6 and LINZ [guidance](https://www.linz.govt.nz/guidance/overseas-investment/ways-invest/investing-land-provide-benefit-new-zealand/farm-land))?

Required content:

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

1. Response

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 LINZ [guidance](https://www.linz.govt.nz/guidance/overseas-investment/selling-overseas-person/farm-land-advertising))?

Required content:

Provide the following:

* Provide evidence of the advertising undertaken and how it met the requirements under the Regulations.
* Only provide further explanation of how the advertising met the Regulations in this document where the evidence provided above does not do so.
* 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 Application Submission 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

Farm land benefit test

Does the [farm land benefit test](https://www.linz.govt.nz/guidance/overseas-investment/overseas-investment-tests/benefit-new-zealand-test/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 if the land includes farm land that exceeds five hectares the farm land benefit test 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 4: Farm Land Benefit Test.

1. Response

Residential land

If the land is, or includes, residential land then the decision-maker must determine which residential land outcome(s) in clause 19 of Schedule 2 of the Act apply to the residential land and be satisfied that the mandatory conditions associated with the relevant outcome(s) will or are likely to be met.

Is the relevant land, or does it include, residential land?

Required content:

Confirm whether the land is or includes residential land and, if so, identify the location of the residential land and describe it.

Required attachments to be uploaded:

An aerial photo clearly identifying residential land (or refer to the same if already provided elsewhere).

1. Response

If yes, what residential land outcome(s) do you propose for the residential land?

Required Content:

Provide the following:

* Confirm the residential land outcomes you propose for the residential land. If you propose more than one, clearly identify the land each proposed outcome relates to.
* Explain how you will meet the relevant outcome(s), including information about your plans and timeframes.
* Comments (if any) about the conditions we must impose in relation to the relevant residential land outcomes.
1. Response

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).

Information in this section should generally include 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 may request further specific information about the current state for each benefit claim you set out later.

Avoid duplicating information.

1. Response

Investment

Describe what you plan to do with the investment - 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

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| --- |
| [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] |

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 will be relevant or 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 the New Zealand participation factor.

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 benefit present under the current state.

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 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.

Address the extent to which the claimed benefit is additional to any benefit present under the current state and why.

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). See [here](https://www.linz.govt.nz/guidance/overseas-investment/overseas-investment-tests/benefit-new-zealand-test) for more information on the benefit to New Zealand test.

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

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 of the relevant land. 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.

1. Response

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 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

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

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

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.

Please note that under s16A(1A)(a) and s17(2)(b) of the Act the counterfactual applies to this factor.

1. Response

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

Extraction of water for bottling/human consumption

**If the overseas investment involves the extraction of water for bottling or other extraction of water in bulk for human consumption; will the overseas investment, or is likely to, result in a negative impact on water quality or sustainability (refer section 17(3)(a))?**

This factor will always be relevant if your investment involves the extraction of water for bottling, or other extraction of water in bulk for human consumption.

Where possible, provide expert reports evaluating the likely impacts of the investment on water quality or sustainability.

1. Response

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

Section 5: Farm Land Benefit Test

If applicable, explain how the investment will meet the [farm land benefit test](https://www.linz.govt.nz/guidance/overseas-investment/overseas-investment-tests/benefit-new-zealand-test/farm-land-benefit-test) (refer section 16A(1C)). In particular, explain how the investment has demonstrated a benefit, 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