Application form

Exemption Certificate for Large Apartment Development

Use this template to apply for an exemption certificate for developers. This accompanies the application submission webform.

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 us.

We 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 we can easily identify those updates.

Electronic Filing Requirements

This application form and your investment plan and supporting information must be submitted electronically using our [Application Submission Webform](https://oio.linz.govt.nz/oio-app-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 attachment to your application (number and describe each appendix 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 application form below.

|  |  |  |
| --- | --- | --- |
| **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. |

Declaration

By signing the below I agree that:

* + The information provided in this application form (including any attachments) is true, correct and complete.
  + I have read and understood the privacy and information sharing notice in **Attachment 1** of this document.
  + I am the Applicant or I am a representative of the Applicant who has authority to sign on its behalf (e.g. director of the Applicant).

Applicant signature

Sign the application below.

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

Application signature – Amended version

You may be required to sign the amended application form if there are material changes.

|  |  |  |
| --- | --- | --- |
| Sign the amended version of the application form below if we request you to. | | |
| [Sign here] | | Date [e.g., 01/01/20] |
| [Name] | [Position] | [Date] |

Definitions

Add defined terms you will use in this application in the table below. Use meaningful terms that are easily remembered and will be used consistently throughout this application - for example, abbreviated company names for quick reference. Ensure that the terms are not duplicated with different meanings.

|  |  |
| --- | --- |
| Act | Overseas Investment Act 2005 |
| Regulations | Overseas Investment Regulations 2005 |
|  |  |

Confidentiality

Does any information in this application need to be kept confidential from other parties to this application?

There is no need to make general confidentiality statements.

1. Response

Decision date

Is there a date by which the decision is requested? If so, provide the requested decision date and explain the reason why a decision is required by this date.

1. Response

Exemption Certificate Summary

Schedule 3, clause 4 provides that exemption certificates can be granted for up to 60% of the residential dwellings in a large apartment development).

To be eligible for an exemption certificate, the development must:

1. be used, or be intended to be used:
   * + - 1. in the construction of one or more multi-story buildings, where each building consists of at least 20 residential units; or
         2. to increase in the number of residential dwellings in 1 or more multi-storey buildings, where the number of residential dwellings in each building will be increased by 20 or more.
2. be residential land that is not also listed as sensitive under Part 1 of Schedule 1 of the Act.

In reaching their decision, the decision maker may have regard to factors such as:

* whether the development has appropriate resource consent, building consent, and any other authorisations
* the developer’s financial strength
* the previous activity of the developer regarding use of residential land
* the previous record of the developer in complying with conditions of consent or applying for conditions to be varied.

Section A: Developer / Permitted vendors

The purpose of this section is to obtain information about the developer so we can identify the person(s) applying for the exemption certificate and determine whether the criteria for an exemption certificate are met.

Developer’s legal name and business activities

Provide key details about the developer and ordinary business activities

1. Response

Financial strength

Explain in detail the developer’s financial position and identify all material third party funders

Include details of the developer’s:

* cash reserves or access to credit facilities sufficient to cover the developer’s debts as they become due in the normal course of business; and
* assets greater than the value of its liabilities, including present, future, and contingent liabilities.

1. Response

Provide forecasts of the developments’ expected cost and analysis of the extent to which cash reserves and/or credit facilities will be sufficient to meet those costs

Include any material risks or contingencies.

1. Response

Track record

Summarise the developer’s history of using and developing residential land.

Describe all residential developments that the developer has undertaken (or is undertaking) in New Zealand.

1. Response

Has the developer, any associate, or individual with control, received consent or a previous large apartment exemption certificate under the Overseas Investment Act?

If yes, please provide details of the consent / exemption certificate and case number (if known).

1. Response

Section B: Development Project

This section is intended to confirm the particulars of development.

Project overview

Provide a description of the development project (include concept drawings if available).

1. Response

How many new multi-storey buildings are you constructing? How many new residential dwellings will be in each multi-storey building?

1. Response

Are you increasing in 1 or more existing multi-storey buildings the number of residential dwellings in each building by 20 dwellings or more?

1. Response

Required consents

Please identify each consent and/or authorisation required for the development.

Provide a summary about why each consent and/or authorisation was required and describe which activities each consent / authorisation allows.

1. Response

Section C: Residential land

This section confirms key information about the residential land upon which the development is being constructed.

Details of the land

Required content:

* A description of the land (use the property table provided below).
* Provide the address or other identifying information about the location of the land.

Required attachments to be uploaded:

* Sensitive land certificate.
* Map clearly identifying the boundaries of the relevant land.

List all sensitivities of the land (i.e. residential (but not otherwise sensitive))

1. Response

Confirm the land is not otherwise sensitive

1. Response

*Please note you must have a sensitive land certificate to verify the sensitivities (if any)   
of the land.*

|  |  |
| --- | --- |
| [Property address and name if relevant] (one table per property) | |
| Record of Title(s) | [confirming whether there is likely to be any change to these during the course of the development] |
| Existing owner | Click or tap here to enter text. |
| Registry and Territorial Authority | [E.g. South Auckland Registry, Auckland Council] |
| Land Area | Click or tap here to enter text. |
| Legal Description | Click or tap here to enter text. |
| Estate | Click or tap here to enter text. |
| Sensitivities | [Residential land] |

Section D: General

The purpose of this section is to allow you to add additional information and comment including any special requirements regarding confidentiality.

LINZ is subject to the Official Information Act 1982. Any request for confidentiality must make direct reference to the provisions of the Official Information Act 1982 that you consider justify the withholding of the information. Review our [website](https://www.linz.govt.nz/regulatory/overseas-investment/applying-for-consent-purchase-new-zealand-assets/preparing-your-application-oio/privacy-and-confidentiality-application-information) and the [practice guidelines](http://www.ombudsman.parliament.nz/resources-and-publications/guides/official-information-legislation-guides) issued by the Office of the Ombudsman before making a request.

1. Response

List of Appendices

List all appendices attached to your application. Please name your appendices beginning with ‘Appendix 01’ etc.

|  |  |
| --- | --- |
| Appendix 01 | Click or tap here to enter text. |
| Appendix 02 | Click or tap here to enter text. |
| Appendix 03 | Click or tap here to enter text. |
| Appendix 04 | Click or tap here to enter text. |
| Appendix 05 | Click or tap here to enter text. |
| Appendix 06 | Click or tap here to enter text. |
| Appendix 07 | Click or tap here to enter text. |
| Appendix 08 | Click or tap here to enter text. |

Attachment 1: Privacy and information sharing notice

We collect information to decide whether you are eligible, and to monitor your compliance with conditions of consent. Toitū Te Whenua Land Information New Zealand (**LINZ**) collects information about you on this form to:

* + decide whether you are eligible for LINZ consent to invest in sensitive New Zealand assets, and
  + monitor that conditions are met if we grant consent.

We are authorised to collect this information under the Overseas Investment Act 2005.

We can share your information for some purposes

We may share information about you as part of:

* + Administering, monitoring and enforcing the Overseas Investment Act 2005.
  + Meeting information-sharing agreements we have with some New Zealand government agencies. For example, we share information with the Ministry of Business, Innovation and Employment and the Department of Internal Affairs to verify passport and visa information and travel movements, and to monitor whether a person has become a New Zealand citizen.
  + Sharing information to maintain the law, such as volunteering information to Inland Revenue, NZ Police, the Ministry of Business, Innovation and Employment, the Serious Fraud Office, and other law enforcement agencies.
  + Consulting with relevant stakeholders as to your benefit claims and features of the investment, including central government organisations such as the Department of Conservation, Ministry of Business, Innovation and Employment, and Ministry of Primary Industries, Crown entities such as Ministry of Arts, Culture and Heritage and the NZ Transport Agency, and Crown agents such as the Walking Access Commission.

Applications for consent that you submit to LINZ are a public record. However, the Official Information Act 1982 and the Privacy Act 2020 have provisions that allow us to withhold information contained in an application. More information about the privacy and confidentiality of the information contained in an application can be found at [Privacy, confidentiality, and sharing of information](https://www.linz.govt.nz/overseas-investment/apply/you-apply/privacy-confidentiality-and-sharing-information).

We keep your information secure

All relevant information about you is collected in line with the Overseas Investment Act 2005 and Privacy Act 2020 and is held securely by LINZ. Under the Privacy Act 2020, you may request this personal information and ask for any errors to be corrected.

You do not have to provide all the information requested in this form, but not doing so may make it difficult to process your request under the Overseas Investment Act 2005. Please [contact us](https://www.linz.govt.nz/overseas-investment/contact/contact-overseas-investment-office) if you have any questions or concerns about the information in this form.