Application for Exemption Certificate
for Large Apartment Development

(Overseas Investment Act 2005)

This template sets out the required structure, content and attachments for an application for an exemption certificate for developers.

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.
* When submitting an application of this type, ensure that all appendices referenced in the applicant’s application are included (note we will not commence our Quality Assurance process until all documents are received):
* Be concise and use plain English. Use headings and tables (if relevant) and explain industry terminology.
* The formatting of this template has been kept as simple as possible so that you can adapt it to suit your own information and document management systems.
* Tables, diagrams, maps, schedules etc should be added as appendices to your application rather than being inserted within this template.
* Documents in a foreign language must be accompanied by full certified translations (unless otherwise agreed with the OIO in advance).
* 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.
* Contact the OIO if you have any questions about this template or your application generally (+64 4 462 4490, oio@linz.govt.nz).
* You must upload and submit the completed application form using our [Application Submission Webform.](https://www.oio.linz.govt.nz/oio-application-submissions)

Electronic Filing Requirements

Your application 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 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 application 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 application 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 application below until the OIO requests you to. |
| [Sign here] | Date [e.g. 01/01/20] |
| [Name] | [Position] | [Date] |

Summary of Key Information

The information in this table allows the OIO to quickly identify the nature of the application, enter the application into its case management system.

We may contact the parties listed below during the process and following the decision.

|  |  |
| --- | --- |
| Date | Click or tap to enter a date. |
| Applicant | [Who is the developer for the residential development] |
| Development | [Briefly describe the development and clarify whether it is:Constructing [number of] multi-storey building(s) as one development, where:* [Building A] consists/will consist of [20] residential dwellings;
* [Building B] consists/will consist of [20] residential dwellings; etc.]

OR[Increasing the number of residential dwellings in [number of] multi-storey building(s) by:* [20] residential dwellings in [Building A];
* [20] residential dwellings in [Building B];etc.]
 |
| Residential Land | [Specify the address and total area of the residential (but not otherwise sensitive) land that constitutes the development]. |
| Application Fee | [The application fee will be paid by direct credit after the correct amount has been confirmed by the OIO. Please send the GST receipt to [email address]] |
| Applicant’s adviser(s) if relevant | [Primary contact][Please include full contact details including address, phone and email] | [Secondary contact][Please include full contact details including address, phone and email] |
| Applicant | [Contact details for the applicant][Please include an email address and contact number for the applicant. This must not be for the applicant's advisor(s)] |
| NZ Service Address | Click or tap here to enter text. |
| Requested decision date | [e.g. 1 February XXXX and why consent is required by this date and any consequences should the date not be met] |

Defined terms

This table should be expanded as required to include additional relevant defined terms. Use meaningful, defined terms that are easily remembered.

|  |  |
| --- | --- |
| Act | means the Overseas Investment Act 2005 |
| Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. |

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 the OIO 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

Required attachment to be uploaded:

* Certificate(s) of incorporation.

Provide key details about the developer and ordinary business activities

1. Response

Click or tap here to enter text.

Financial strength

Required attachments to be uploaded:

* Latest financial accounts, audited where available, and annual report.
* Evidence of credit facility approvals (e.g. bank letters)

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

Click or tap here to enter text.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

Has the developer, any associate, or individual with control, received consent under the Overseas Investment Act?

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

1. Response

Click or tap here to enter text.

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

Click or tap here to enter text.

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

1. Response

Click or tap here to enter text.

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

Click or tap here to enter text.

Required consents

Required attachments to be uploaded:

* Letter or document confirming each relevant consent or authorisation has been granted.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

Confirm the land is not otherwise sensitive

1. Response

Click or tap here to enter text.

*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.

The OIO 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

Click or tap here to enter text.

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. |