

Information required for farm land advertising exemption application

This document sets out the information required to complete an application for exemption from the farm land offer requirement under [section 20](#) of the Overseas Investment Act 2005.

Information required

You will be required to provide the following information to the Overseas Investment Office (OIO) for an exemption application.

Application detail

- Whether you have attended a pre-application meeting, and the OIO case number if you have
- Whether you're resubmitting this application, and the OIO case number if you are
- Whether you are submitting this retrospectively, and the details if you are
- Applicant name (full legal name of the entity or individual(s) applying)
- Short description of the requested exemption
- Applicant's address for service in New Zealand
- Requested decision date (if applicable), and reason for requesting this date
- The date a Sales and Purchase agreement was entered into if already in place
- Applicant's contact details
- What the transaction is and why the transaction requires consent under the Act (referencing the relevant sections of the Act)
- Details of any pre-consent arrangements, or any existing relationship between the purchaser and vendor such as short-term leases, management agreements, etc
- Contact for application details - including contact person's name, email address, contact number and role in the application (with option to add a second contact person)
- Invoice details: Name, company, and postal address for invoice

The exemption

Provide the following information about the exemption sought under section 20 of the Act:

- Why the Applicant seeks an exemption from the requirement to advertise farm land under the Act.
- The details and scope of the requested exemption, including:
 - the land for which an exemption is sought
 - the requested duration of the exemption
- Why the exemption is necessary, appropriate or desirable
- Why the exemption being sought is no broader than is reasonably necessary
- Any other factors that may be relevant to the circumstances, and to whether an exemption from the farm land advertising criterion should be granted
- Details (including OIO case number(s) and applicant name) of any farm land advertising exemptions previously granted for the relevant land

Land

- Land table for each property that the exemption applies to setting out:
 - Property address and name
 - Record of title
 - Current owner(s)
 - Legal description
 - Total land area (ha)
 - Type of interest (freehold, leasehold, crown pastoral, mortgage, other interest, forestry right, profit à prendre) – and any additional details if relevant
 - Land district
 - Land/property category (arable, commercial, dairy, forestry, horticulture, industrial, lifestyle, mining, pastoral, residential, specialist, utility assets, other)
 - All land sensitivities that apply

Sale information

Provide the following information about the transaction for which a farm land advertising exemption is sought:

- The reason for the sale and purchase of the land or assets
- Whether the sensitive asset has been the subject of an application for consent before and the consent number

Ownership

Provide the following information about the purchaser and vendor of the relevant farm land:

Applicant's ownership and control:

- Information about ownership and control of the applicant tracking back to the ultimate owners/controllers:
 - Explain their role, and the significance of any intermediary entities and other parties (including associates) that hold a direct or indirect interest in the applicant
 - Where applicable, describe trust arrangements, and all share classes on issue (and who owns them)
- Incorporation, shareholder, and director information (or equivalent information if the applicant is not a company) for:
 - the applicant, and
 - persons who have a more than 25% beneficial or legal interest in the applicant
- Information about all beneficial owners – that is, all individuals with greater than 5% interest (either alone or together with associates) in the applicant. Note: If it's not possible to identify individual beneficial owners, entities may be included instead
- A breakdown of ultimate beneficial ownership of the applicant by country. Note that:
 - applicants should avoid grouping countries or listing ownership by continent
 - for listed companies, applicants should provide the most accurate information they can about the location of their shareholders and be clear about the source of that information.
 - widely held shareholding can be recorded as the corresponding region - or the applicant can select 'Various regions' if this can't be determined by country
- Whether the vendor is an individual or an entity
- If an entity, provide incorporation, shareholder and director information for the vendor or equivalent information if vendor is not a company, such as trustees and beneficiaries for a trust
- Whether the vendor has 100% legal and beneficial ownership and control of the assets
- If not, who the vendor is holding the land on behalf of or for the benefit of
- Beneficial ownership table: a percentage breakdown of individuals with greater than 5% interest (either alone or together with associates) in the vendor
- Ownership by country table: a percentage breakdown of ultimate beneficial ownership of the vendor by country
For listed companies, provide the most accurate information possible about the location of their shareholders and the source of that information.
- Whether the vendor is an overseas person under the Act, and why

Documents

Upload the following documents:

- Signed Signature for application for exemption form
- Statutory declaration verifying that the information provided in the application is true and correct
- Diagram to explain transaction, if helpful
- Full copies, without redaction, of relevant transaction agreements/documents (e.g., Agreement for Sale and Purchase) if applicable

Land-related documents:

- For all land:
 - Record of title (search and historical copy for each title generated within the last 3 months)
 - Map of the locale and approximate location of the relevant land
 - Cadastral map and aerial photo clearly identifying the relevant land
 - Planning map from the relevant territorial authority clearly identifying the relevant land
 - Sensitive land certificate