

From: [Jatin Mistry](#)
To: 9(2)(a)
Subject: FW: Sensitive Land and Easements
Date: Thursday, 11 November 2021 4:54:00 p.m.
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi 9(2)(a),

An easement is an exempted interest under the Overseas Investment Act. This means that an overseas person doesn't need consent to acquire an easement over sensitive land.

However, the easement must *genuinely* be an easement, not a lease (or some other interest) dressed up to look like an easement.

We are *open minded* to a wind farm being a valid use of an easement, as the land owner may well retain a genuine ability to continue to use the land for other purposes alongside the wind farm. Such a use would not be materially different to easements allowing power or telecommunications transmission infrastructure to be established. Whether the easement for any particular wind farm is genuinely an easement will turn on the facts in each case.

For completeness, we have also considered the position in respect of solar farms. Our view is that a solar farm is a far more intensive use of land, and the land owner's ability to continue to use the land will be significantly less than for a wind farm. Accordingly, we are significantly less comfortable with a solar farm being a valid use of an easement.

Finally, note that the establishment of a wind farm may require consent or notification under the Overseas Investment Act for other reasons. For example, if the cost to establish the wind farm exceeded \$100m, then consent may be required under the significant business assets' pathway. Post establishment change in ownership may require consent for the same reason, or may be notifiable under the 'national security and public order' notification regime.

Anyone engaging in transactions of this nature would be well advised to get legal advice from a lawyer who is familiar with the Overseas Investment Act.

Please contact Pedro Morgan (pmorgan@linz.govt.nz, 04 460 2785) if you need any further information.

Kind regards

Jatin Mistry

From: OIO_Enquiries_Advisors <OIOEnquiriesAdvisors@linz.govt.nz>
Sent: Thursday, 11 November 2021 11:04 a.m.
To: Jatin Mistry <JMistry@linz.govt.nz>
Subject: FW: Sensitive Land and Easements

Hey Jatin,

Case: 9(2)(a), rural land easements.

This enquiry has been transferred to you for response.

Please respond and save all events and communication before closing activity.

Thank you for your help in this matter

OIO Enquiries

Overseas Investment Office

oioenquiriesadvisors@linz.govt.nz



Wellington Office, Level 7, Radio New Zealand House, 155 The Terrace
PO Box 5501, Wellington 6145, New Zealand
www.linz.govt.nz | data.linz.govt.nz



From: LINZ Customer Support <CustomerSupport@linz.govt.nz>

Sent: Thursday, 11 November 2021 8:34 a.m.

To: Overseas Investment Office <oio@linz.govt.nz>

Subject: FW: Sensitive Land and Easements

Good morning,

Please see the below email,

Thanks,

Rosie

----- Original Message -----

From: 9(2)(a)

Received: Mon Nov 08 2021 08:44:06 GMT+1300 (New Zealand Daylight Time)

To: Customer Support <customersupport@linz.govt.nz>;

Subject: Sensitive Land and Easements

Good Morning

Can you please advise if the creation of an easement over rural land in favour of an overseas investor where the easement area would comprise approximately 20-30 ha in total to provide for the infrastructure of a wind energy project requires OIO approval. The total area of land in the titles would be around 600 ha but only 20-30ha is required for the wind energy infrastructure.

Regards

9(2)(a) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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