Toitū Te Whenua
Land Information
New Zealand

Exemption

Read this exemption carefully - you must comply with all the conditions.

Decision date	7 September 2026
Case	202600523
Exemption	[s 9(2)(a)] is exempt from the requirement of consent under the Overseas Investment Act 2005 for the acquisition of a freehold interest in approximately 0.0609 hectares of residential land at [s 9(2)(a)]
Expiry	This exemption expires on 6 September 2028.

Definitions

Act means Overseas Investment Act 2005.

LINZ means Toitū Te Whenua Land Information New Zealand. LINZ is also referred to as 'us'.

Regulations means Overseas Investment Regulations 2005.

Any term or expression that is defined in the Act or Regulations and used, but not defined, in this Consent has the same meaning as in the Act or Regulations.

Conditions

Your Exemption is subject to the conditions set out below. You must comply with them. The Overseas Investment Act 2005 (**Act**) provides for civil and criminal sanctions for breaching the Act, failing to comply with conditions of exemption and failing to provide information required by LINZ. LINZ has an obligation to investigate and act upon alleged and suspected breaches of the Act.

If requested in writing by LINZ, [s 9(2)(a)] must provide a written report within 20 working days (or such other timeframe as specified) on any matter relating to its compliance with:

(a) the representations and plans made or submitted in support of the application for the Exemption; or

(b) the conditions of the Exemption

Amendment or revocation of exemption

The Exemption and conditions of the Exemption may at any time be amended or revoked by LINZ in the same was as it may be made.

Reasons for exemption

The exemption holder is a [s 9(2) citizen who is also [s 9(2)(a)] but does not meet the definition of "ordinarily resident" under section 6(2)(a) of the Act. He acquired the relevant residential land prior to the amendments to the Act which restrict overseas persons from acquiring interests in residential land without consent. For the last [s 9(2) the exemption holder has owned a cross-lease interest in a residential property in [s 9(2)(a)] (**Property**).

The exemption holder and his New Zealand citizen neighbour are in the process of subdividing the residential land thereby converting their existing cross-lease titles to fee simple titles (**Transaction**). The exemption holder has applied for an exemption from the requirement for consent under s.10(1)(a) of the Act for the Transaction (**Exemption**).

LINZ considers there are circumstances that mean it is necessary, appropriate or desirable to grant an exemption to provide flexibility where compliance with the Act is unduly burdensome, and to allow for an exemption that is minor and technical in nature. Specifically:

- The exemption holder acquired his interest in the Property prior to the relevant legislative changes restricting ownership of residential land in 2018. The exemption holder already lawfully owns and controls the residential land and is entitled to remain the owner without consent.
- The subdivision merely restructures the existing interests. It does not confer any additional rights of control or ownership. The conversion to a fee simple title results in no material change in ownership or control of sensitive land.
- The exemption holder has a connection to New Zealand, [s 9(2)(a)]
- Granting the exemption avoids unintended and disproportionate consequences for both the exemption holder and his New Zealand citizen neighbour, who would otherwise be unable to complete the approved subdivision, without the exemption first obtaining consent or being granted exemption under the Act.

The extent of the Exemption is no broader than reasonably necessary to address the circumstances as it only applies to the exemption holder's existing interests and it does not apply to future acquisitions, additional land or other transactions.