Toitū Te Whenua
Land Information
New Zealand

Exemption

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

Decision date	28 September 2026
Case	202600620
Exemption	All persons are exempt for the requirement of consent in respect of the acquisition of any freehold interest in: • Lot 300 Deposited Plan 338474, Otago Registry (**Lot 300**); • Lot 301 Deposited Plan 338474; Otago Registry (**Lot 301**) • Lot 302 Deposited Plan 338474; Otago Registry (**Lot 302**) and any associated acquisition of shareholding in Bendemeer Management Limited, **Provided that**: • the acquisition is part of a transaction to purchase an Approved dwelling and Ancillary communal ownership interest at the 'Bendemeer' subdivision at 13 Bendemeer Lane, Lake Hayes, Queenstown, and • the transaction is completed by the expiry date. For the avoidance of doubt, the above exemption can apply together with any other LINZ exemption or consent pathways that apply at the time of the acquisition.[2]
Expiry	This exemption expires on 28 September 2031

Definitions

Act means Overseas Investment Act 2005.

Ancillary communal ownership interest means either:

i) a 1/43 share in Lot 300; or
ii) a 1/43 share in Lot 300 and a 1/9 share in Lot 301; or
iii) a 1/43 share in Lot 300 and a 1/7 share in Lot 302.

Approved dwelling means a fee simple interest in any of the following residential lots:[3]

i) Lots 1-25, DP 338474;

[2] For example, pathways available to Australian or Singaporean investors, or for residential land over five million dollars in value.
[3] This definition intentionally excludes Lot 26 of the Bendemeer subdivision.

ii) Lots 27-39 DP 338474;
iii) Lots 39-41 DP 359527; and
iv) Lots 42 and 105 DP 359527.

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.

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

Bendemeer Management Limited (**Applicant**) is a New Zealand company established to administer and manage the communal assets, infrastructure and governance arrangements associated with the Bendemeer subdivision at 13 Bendemeer Lane, Lake Hayes, Queenstown (**Bendemeer**).

Bendemeer is a 43-lot development in which owners of residential lots[4] hold shared communal ownership interests in shared access roads, ponds and open space land[5] (**Commons**). As the Commons is non-urban land over five hectares in size, overseas persons' shared 1/43rd ownership interests in the Commons currently brings all residential lots in Bendemeer within the ambit of section 16(1)(e) of the Act, requiring applications under the benefit to New Zealand test for overseas persons wishing to acquire the residential lots.

The Applicant is seeking an exemption from the requirement of consent for persons acquiring residential lots in Bendemeer in respect of the Commons, whilst preserving the operation of the Act in respect of the residential lots. This will mean the overseas purchasers of residential lots will only need to satisfy the criteria for purchasing residential (but not otherwise sensitive) land in section 16(1)(b) of the Act.

The unusual shape and size of the Commons is an artifact of the subdivision process, and impacts upon the sensitivity of the land. The smaller (northern) portion of Commons predominantly consists of ponds and shared access roads, and the larger (southern) portion predominantly consists of undeveloped open space.[6] The practical utility of the 1/43rd interest in the Commons only relates to access and use of communal infrastructure and amenities. The larger southern part of the Commons provides no meaningful amenity to Residential lots owners, and (other than being non-urban land), has no other sensitivities.

[4] This term includes Lot 39 DP 338474.
[5] For Lot 300 this is a 1/43 undivided freehold interest for the 43 owners sharing its use; for lot 301 it is a 1/9 undivided freehold interest for the 9 owners sharing its use; and for Lot 302 it is a 1/7 undivided freehold interest for the 7 owners sharing its use.
[6] This open space is not farm land and cannot be operated as a viable economic unit.

Considering this lack of amenity, and the fact that residential lots are paired with a 1/43rd ownership interest in the Commons, we consider the requirement for consent for interests in the Commons to be technical in nature, rather than a reflection of the sensitivity of the land, or the enjoyment or control derived from such ownership.

We consider that it is it is necessary, appropriate, or desirable to provide an exemption because the exemption is minor and technical and compliance with the Act would be unduly costly, or unduly burdensome, taking into account the sensitivity of the Commons.