Toitū Te Whenua
Land Information
New Zealand

Farm Land Advertising

Anyone selling farm land must ensure it is offered for sale to New Zealanders on the open market before entering into an agreement with an overseas buyer.

Advertising requirements

Farm land for sale must be advertised in a way that meets or exceeds the requirements below before an agreement can be entered into with an overseas person.

Two types of advertising are required, with advertisements given the usual level of prominence.

- **Online** – the land must be advertised for at least 30 working days on a website that is generally used for advertising real estate for sale.
- **Print** – the land must be advertised in at least one edition of the property section of a local newspaper, or a local real estate publication.

The advertising must have been published within the 12 months before applying for consent.

Exemptions from requirements

Class exemptions from the advertising requirements apply automatically to certain types of transaction.

A discretionary exemption may also be available in limited circumstances.

At a glance

Farm land for sale

Farm land for sale must be advertised so New Zealanders can consider buying it before entering into an agreement with an overseas investor.

How to advertise

Farmland must be advertised in at least one edition of a print publication and online for at least 30 working days.

More information

More information is available online: linz.govt.nz/overseas-investment

For more information:
Phone: 0800 665 463 (New Zealand only)
Phone: +64 7 974 5595 (international callers)
Email: oio@linz.govt.nz

About LINZ's overseas investment regulatory function

LINZ regulates access to New Zealand's land, residential properties and significant business assets by overseas investors, and makes decisions on overseas investment applications. It administers and applies the Overseas Investment Act. Its work contributes to more homes and jobs for New Zealanders, thriving companies and industries, protection of the places Kiwis treasure, and greater access to them.

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Investing in New Zealand

Here is a general guide to investing in New Zealand

If you are a New Zealand citizen, ordinarily resident in New Zealand, or an entity registered in New Zealand and owned by New Zealanders, you can generally do any of the below and do not need to contact us. Please visit our website to find out more, as there are some exceptions.

	Overseas people, including international entities	Resident visa holder who lives overseas, and entities >25% overseas-owned or controlled	Holders of an AIP visa, Investor 1 visa or Investor 2 visa	Australian and Singaporean citizens, Australian and Singaporean permanent residents who live in NZ
Investing in significant business assets over $100m	Consent required	Consent required	Consent required	Consent required
Investing in other significant land	Consent required	Consent required	Consent required	Consent required
Buying forestry	Consent required	Consent required	Consent required	Consent required
Developing residential land	Consent required	Consent required	Consent required	Usually OK to buy[1]
Buying one home to live in	Won't get consent	Consent required	Consent required	Usually OK to buy[1]
Buying a holiday home >$5m	Won't get consent	Won't get consent	Consent required[2]	Usually OK to buy[1]
Investing in SIB involved with military or dual-use technology	Must notify[3]	Must notify[3]	Must notify[3]	Must notify[3]
Investing in another type of SIB	May notify[3]	May notify[3]	May notify[3]	May notify[3]

How to contact us:

New Zealand: 0800 665 463 Email: oio@linz.govt.nz
Overseas: +64 7 974 5595 Website: www.linz.govt.nz/overseas-investment

[1] Consent is required if the land is both residential land and otherwise sensitive
[2] Consent is not available if the land is both residential land and otherwise sensitive
[3] There are some specific exceptions to this requirement - see s 82 of the Overseas Investment Act 2005

March 2026

Information Sheet

Advertising Farm Land and Farm Land Securities

Version 3: June 2025

Background

Farm land, and securities (like shares) in entities that own farm land, must be offered for sale on the open market before being sold to overseas investors. The process is controlled by the Overseas Investment Act 2005 (the **Act**) and the Overseas Investment Regulations 2005 (the **Regulations**).

In this Information Sheet, we have collaborated with Toitū te Whenua Land Information New Zealand (**LINZ**) to outline the key requirements and highlight common issues that may arise.

What is farm land?

Farm land is generally easy to identify. Most rural land professionals will instinctively recognise farm land when they see it, and their judgement will generally accord with the definition of farm land in the Act.

Farm land is defined under section 6 of the Act as land that is used **exclusively or principally** for agricultural, horticultural or pastoral purposes, or for the keeping of bees, poultry, or livestock. Residential land that is not otherwise sensitive is not farm land. This definition does not seek to give 'farm land' any special meaning, instead, it serves to reinforce that 'farm land' means what people generally think it means.

✓	A variety of land uses such as sheep or beef cattle farms through to, nuts, fruits and flowers.
✓	Agricultural purposes include growing of crops or raising of stock, and the harvesting or extraction of primary products from those crops and animals on a farm. It does not include processing those primary products beyond the farm gate after they have been transported elsewhere (such as a factory or abattoir)
✓	Horticultural purposes include growing plants or trees in gardens, greenhouses, shade-houses, orchards, vineyards or hydroponically.
✓	Pastoral purposes include the grazing of livestock.
✗	Land used for forestry or silvicultural purposes, aquaculture or residential land that is not "sensitive land".
✗	Lifestyle blocks.

Principal or exclusive use

Land often has multiple uses. ‘Exclusively’ means ‘solely’ or ‘excluding everything else’. ‘Principally’ means ‘the main or most important’.

The principal or exclusive use of the land is ultimately determined at the time the consent decision is made. However, this assessment should also be made before the sale and purchase transaction is entered into.

The question to ask is, “What would a reasonable person consider to be the sole or principal purpose for which the land is used?”

Relevant factors include:

- the size of the land, in the context of its use.
- the proportion of the land used for farming rather than another activity.
- common indicators, such as whether the land has paddocks, farming infrastructure or a fertilizer history.
- the history of how the land has been used (note that a short period when the land has not been used as farm land may not change its status if it has always been farm land previously).
- whether farming is a permitted use of the land in the relevant district plan.
- whether farming is the main generator of the income on the property (whether farming is the main generator of income however, even if the land does not generate income, does not detract from the fact that it may still be considered farm land).

Where land has previously be used for farm land, and there is a doubt about whether it remains farm land, the question to ask is “Has there been a *decisive* and *enduring* change in the land use?”.

Where there is uncertainty around whether the land is actually considered as farm land, advertising should take place.

Example 1: Lifestyle block
Land “A” is 12.5ha of rural land, about 5kms from the nearest town. It has a home and curtilage, large garage/workshop, and horse stables, with the remainder split into three paddocks. The owner grazes

their horse and a friend's horse in the stables and one paddock, and leases the other two paddocks to a neighbour. Land "A" is not farm land. The primary use of the property is for the residence and recreation of the owner. The farming activities (grazing and stabling of horses, and the neighbour's use) is secondary to the owner's primary use of the property as a residence.

Example 2: Development block
Land "B" is 170ha of rural land, on the urban-rural boundary of a major city. It had been a dairy farm for many years before being sold to an investor about 10 years ago. Since then it has been leased to neighbouring farmers, who have used it for sheep, beef and dairy grazing, and for hay production. Basic farm infrastructure including stock water systems and fences have been maintained. The owner has used that time to secure a private plan change to allow the land to be developed into residential housing. The owner is now marketing the land for sale to developers. Land "B" is still farm land. The primary use of the property has, for many years, been exclusively or principally for agricultural, or pastoral purposes, or for the keeping of livestock, and continues to be so. A likely *future* use, residential development, remains just that, a likely *future* use.

Example 3: Development block
The owner of Land "B" was unable to secure a buyer, and so proceeded to develop the land itself. The leases were terminated, and the stock and remaining farm infrastructure was removed. The owner proposes a three-stage development. The owner has started to install infrastructure including local road connections, power and water to the property, and begun road building on the first stage land. An area of contaminated land near an old dairy shed has been remediated. The owner is now marketing the second and third stages for sale to developers. Land "B" has ceased to be farm land. The removal of the stock and farming infrastructure represents a decisive and enduring change in the use of the land. The land is no longer being used for farming, and could not resume being used for farming easily. The principal use of the land is now better characterised as "residential development".

Example 4: Ancillary land
Land "C" is an abattoir, and includes 20ha of paddocks, yards, and other facilities normally associated with a farm. The paddocks and other facilities are used to hold stock, sometimes for several days, prior to being killed. Land "C" is not farm land. Despite being many of the features of farm land, including grazing animals, the land is in fact being used primarily for the industrial purpose of killing and processing animals for meat.

How Farm Land Affects an Application for Consent

Farm Land Advertising

Farm land must be offered for acquisition on the open market to New Zealanders before consent can be granted for any foreign purchase of that land, unless exemptions apply. The offer and related advertising must meet the minimum requirements of the Regulations (see below). This is to ensure that New Zealanders have the chance to buy farm land before it is acquired by an overseas person.

Any person who is authorised in writing to act as the vendor's agent is required to follow the advertising requirements. Farm land advertising is the process of offering farm land, or an interest in farm land (referred to in the Act as a 'section 12 interest'), for sale on the open market to New Zealanders.

If you intend to sell farm land to an overseas person, you need to meet the advertising requirements set out below. There are exemptions from this requirement: automatic exemptions apply to all transactions, and in certain limited circumstances, it is possible to apply for a discretionary exemption.

Read Overseas Investment Office Guidance on When You Can Apply for An Exemption From Farm Land Advertising Requirements.

Read Overseas Investment Office Information Sheet on Farm Land Advertising

Find out who needs consent to invest: Overseas Investment Office General Guide to Investing in New Zealand

Farm Land Benefit Test

If an application for consent to acquire more than 5 hectares of farm land is being assessed by LINZ under the benefit to New Zealand test, then a modified benefit test will likely apply (unless the land will be converted to production forestry). This is a more difficult test to meet that the standard benefit to New Zealand test.

In addition to the requirements under the benefit to New Zealand test, the farm land test requires that the benefits for one or both of the following factors must be of a scale and nature that represents a substantial benefit to New Zealand:

- economic benefits.
- oversight or participation by New Zealanders.

These 2 factors, along with any other factors the decision maker considers appropriate in the circumstances, must be given high relative importance.

Farm Land Advertising Requirements

Content of Advertisement

An advertisement must contain the following information:

- a general description of the relevant land.
- a statement that says that the farm land is available for purchase.
- that offers are sought from potential purchasers.
- the contact details of the vendor or vendor's agent.

While calling for tenders could meet these requirements, advertisements just inviting 'expressions of interest' will not, as the land will not have been "offered for acquisition".

Form of Advertisement

Two types of advertising are required.

- **Online:** You must advertise online for a minimum of 30 working days. The advertisement must be of usual prominence on a website that is generally used for advertising acquisition of land. TradeMe, realestate.co.nz, and brand specific websites are all acceptable.
- **Paper Publication:** you must also advertise in one of the following:
    - a newspaper, in the property section, or
    - a real estate sales publication,

  in 1 edition in an area local to the relevant land.

National newspaper and real estate publications are generally acceptable.

Time Requirements

Advertisements must be published within the 12 months preceding the *earlier* of either:

- the date the application is made, or
- the date the transaction that requires consent is entered into.

Exemptions from the advertising requirement

Some transaction do not need to be advertised. Some exemptions are automatic (they always apply) while others are discretionary (granted on a case-by-case basis).

Automatic exemptions

Automatic exemptions apply to a range of scenarios where advertising isn't necessary. There is no need to apply for an exemption in these cases. The investor merely needs to establish that the exemption applies when applying for consent.

Examples include:

- the purchase of shares in a listed company that owns farm land.
- the purchase of shares in a company that owns farm land, where the farm land was advertised for sale but the shares weren't.
- the purchase of farm land by a close family member.

More information about the automatic exemptions can be found in the Gazette.

Discretionary exemptions

Discretionary exemptions may be available in cases where the automatic exemptions don't apply.

A discretionary exemption can remove the advertising requirement entirely, remove the requirement that the offers must be on the open market, or remove the specific requirements for how farm land is to be advertised. Most exemptions remove the advertising requirement entirely.

To grant an exemption, LINZ will have regard for the circumstances relating to the particular overseas investment and the nature of the farm land concerned.

Examples of when a discretionary exemption may be available:

- where there is only natural buyer (such as a boundary adjustment, landlocked land, or land with an existing part owner).
- solar farm developments (where due diligence requirements are typically incompatible with the land being advertised).
- where the market has been tested by another means (generally for large or complex assets, or assets where only a small pool of buyers will exist and can be marketed to directly).
- where land has been on the market for an extended period with little or no interest (the market having already been fully tested), and
- where the farm land makes up only a small part of the total assets being acquired (or a small part of the assets of the company being acquired).

All farm land advertising exemptions are published on LINZ's website.

Failing to advertise correctly may result in the need to re-advertise and resubmit therefore, creating costly delays

LINZ requires copies of the actual advertising (showing dates) such as newspaper advertisements, website pages, brochures or booklets to accompany the application for consent. LINZ also requires the name of real estate agencies acting.

Common Issues

- Failing to recognise that the land is identified as farm land and therefore not advertising.
- Failing to advertise within the correct advertising period or for the correct time period.
- Failing to provide all the required information in the application for consent.
- Failing to advertise in a manner appropriate for the property.

If you have any further questions, please reach out to LINZ below:

Email: oio@linz.govt.nz

New Zealand: 0800 665 463