
Exemption from the farm land offer criterion

Read this decision carefully - you must comply with all the conditions. If you do not, we may revoke your exemption.

Notice of Decision Case: 202300314

1. Decision Date

8 September 2023

2. Interpretation

(1) In this notice, unless the context otherwise requires:

Act means the Overseas Investment Act 2005

CIAL means Christchurch International Airport Limited

Exemption means the exemption in paragraph 4

Exemption Holder means Kōwhai Park P LP (registration number 50156872)

Land means between approximately 295 hectares of land at Kōwhai Park located near Christchurch International Airport, across records of title 1097937, 686920, 726317, 733554, 733556, 733557, 770475, CB36B/102, CB3D/432, CB40A/493, CB13K/1147, 764772, 741972 CB481/129, CB448/57 and CB7C/61 as set out in Appendix 1.

Qualifying Interest means a leasehold interest in the Land being acquired exclusively or nearly exclusively for operating a solar farm for electricity generation

Qualifying Transaction means the acquisition of a Qualifying Interest by the Exemption Holder

Regulations means the Overseas Investment Regulations 2005

(2) Any term or expression that is defined in the Act or the Regulations and used, but not defined, in this Exemption has the same meaning as in the Act or the Regulations (as the case may be).

3. Duration of the Exemption

This Exemption expires on 8 September 2024.

4. Exemption from farm land offer criterion under the Act

The requirement in section 16(1)(f) of the Act does not apply in respect of an application for consent under the Act for a Qualifying Transaction decided on or before 8 September 2024.

5. Sanctions

The 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.

6. Reasons for Exemption

The purpose of the requirement to advertise farm land is to give New Zealanders an opportunity to acquire farm land on the open market.

An exemption from this requirement may be granted if the decision maker considers that the overseas investment need not meet this requirement by reason of the circumstances relating to the particular overseas investment or section 12 interest or the nature of the land to which the section 12 interest relates.

An exemption may only be granted if there are circumstances that mean that it is necessary, appropriate, or desirable to provide an exemption, and the extent of the exemption is not broader than is reasonably necessary to address those circumstances.

Kōwhai Park P LP intends to develop a solar farm on the Land and has sought an exemption from the requirement for farm land to be advertised.

In this case, an exemption is appropriate and desirable as:

- The Land has already been identified as suitable for a solar farm development
- The Landowner has committed to using the Land for renewable energy projects as part of its shift to decarbonisation and does not have an intention of leasing the Land for purposes other than for a solar farm
- If required to advertise, the interests that will be advertised are not interests in land that can be used for farming purposes, but rather interests in land to be utilised for solar farm development
- solar farming is a temporary use of the Land, and the Land can revert to an exclusively farming use at the conclusion of the lease (or an airport use during the term of the lease if required);
- the Exemption is consistent with the principle that overseas investment should benefit New Zealand, noting the high importance the Government places on renewable energy.
- the interest is a leasehold interest only, therefore only a temporary divestment of the farm land. New Zealanders will not permanently lose the opportunity to acquire the Land as it will revert to New Zealand ownership at the expiry of the lease.
- the freehold ownership of the Land will not change as a result of the transaction, and any future sale of the freehold to an overseas person could only occur after being offered for sale on the open market

The relevant Ministers consider that the extent of the Exemption is not broader than is reasonably necessary as it is limited to a specific property, leasehold interests only, an acquisition for the purpose of developing solar farms, and only applies for a limited period of time.

APPENDIX 1 – Land

Property #	Address	Owners	Records of Title	Area (ha)
1	715 Pound Road, Templeton, Christchurch	Christchurch Regional Council ¹	1097937	311.3991
2	125 Savills Road, Harewood, Christchurch	Christchurch International Airport Limited	686920	8.4788
3	700 Memorial Avenue, Harewood, Christchurch	Christchurch International Airport Limited	726317	377.6547
4	725 Pound Road, Templeton, Christchurch	Christchurch International Airport Limited	733554	2.5948
5	135 Savills Road, Harewood, Christchurch	Christchurch International Airport Limited	733556	6.6040
6	735 Pound Road, Templeton, Christchurch	Christchurch International Airport Limited	733557	4.1692
7	371 McLeans Island Road, Christchurch	Christchurch International Airport Limited	770475	43.4208
8	755 Pound Road, Templeton	Christchurch International Airport Limited	CB36B/102	5.8791
9	71 Savills Road, Harewood, Christchurch	Christchurch International Airport Limited	CB3D/432	8.1367
10	682 Pound Road, T682 Pound Road, Templeton, Christchurch	Christchurch International Airport Limited	CB481/129	1.3160
11	117 Savills Road, Harewood, Christchurch	[Withheld under s 9(2)(a) of the Official Information Act 1982] ²	CB40A/493	6.8109
12	95 Savills Road, Harewood, Christchurch	Christchurch International Airport Limited	CB13K/1147	0.8043
13	73 Grays Road, Harewood, Christchurch	Christchurch International Airport Limited	764772	7.2820
14	561 Avonhead Road, Harewood, Christchurch	Christchurch International Airport Limited	741972	45.5953
15	703 Pound Road, Yaldhurst, Christchurch	Christchurch International Airport Limited	CB448/57, CB7C/61	4.83

¹ CIAL leases this land from Canterbury Regional Council and will sublease it to the Applicant as part of the proposed lease.

² Current owner. But CIAL is in the process of purchasing this land under an agreement for sale and purchase.