**CERTIFICATE FOR THE PURPOSES OF SCHEDULE ONE OF**

**THE OVERSEAS INVESTMENT ACT 2005**

I, <INSERT FULL NAME>, [Property Service Provider/Solicitor and Principal of <LAW FIRM>/an officer of <TERRITORIAL AUTHORITY> certify that:

**PART A**

1. The land[[1]](#footnote-1) the subject of this certificate is (**Land**):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| REF | RT Number | Legal Description | Land District | Non-Urban Land? | District Plan Zoning | Area |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL LAND AREA | | | | | |  |

**PART B**

|  | YES | NO | REF[[2]](#footnote-2) |
| --- | --- | --- | --- |
| **Table 1 of Schedule 1** |  |  |  |
| 1. The Land is or includes[[3]](#footnote-3): |  |  |  |
| * 1. residential land |  |  |  |
| * 1. non-urban land larger than 5 hectares |  |  |  |
| * 1. land greater than 0.4 hectares on islands specified in Part 2 of Schedule 1 |  |  |  |
| * 1. land on other islands (other than North or South Island, but including the islands adjacent to the North or South Island) |  |  |  |
| * 1. marine and coastal area |  |  |  |
| * 1. land larger than 0.4 hectares being the bed of a lake |  |  |  |
| * 1. land larger than 0.4 hectares held for conservation purposes under the Conservation Act 1987 |  |  |  |
| * 1. land larger than 0.4 hectares that a district plan or proposed district plan under the Resource Management Act 1991 provides is to be used as a reserve, as a public park, for recreation purposes, or as open space |  |  |  |
| * 1. land larger than 0.4 hectares subject to a heritage order, or a requirement for a heritage order, under the Resource Management Act 1991 or by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 |  |  |  |
| * 1. a historic place, historic area, wāhi tapu, or wāhi tapu area larger than 0.4 hectares that is registered or for which there is an application or proposal for registration that is notified under section 67(4) or 68(4) of the Heritage New Zealand Pouhere Taonga Act 2014 |  |  |  |
| * 1. land larger than 0.4 hectares that is set apart as Māori reservation and that is wāhi tapu under section 338 of Te Ture Whenua Māori Act 1993 |  |  |  |
| **Table 2 of Schedule 1** |  |  |  |
| 1. The Land is greater than 0.2 hectares and adjoins: |  |  |  |
| * 1. marine and coastal area |  |  |  |
| 1. The Land is greater than 0.4 hectares and adjoins: |  |  |  |
| * 1. bed of a lake |  |  |  |
| * 1. land held for conservation purposes under the Conservation Act 1987 (if that conservation land exceeds 0.4 hectares in area) |  |  |  |
| * 1. any reserve under the Reserves Act 1977 that is administered by the Department of Conservation (if that reserve land exceeds 0.4 hectares in area) |  |  |  |
| * 1. any regional park or part of a regional park that is subject to a declaration under section 139 of the Local Government Act 2002 (if that park or part of the park exceeds 80 hectares) |  |  |  |
| * 1. any national park held under the National Parks Act 1980 |  |  |  |
| * 1. land that adjoins the marine and coastal area or a lake and is a Māori reservation to which section 340 of Te Ture Whenua Māori Act 1993 applies (if that land/reservation exceeds 0.4 hectares in area) |  |  |  |
| * 1. land over 0.4 hectares that includes a wāhi tapu or wāhi tapu area that is entered on the New Zealand Heritage List/Rārangi Kōrero or for which there is an application that is notified under section 68(4) of the Heritage New Zealand Pouhere Taonga Act 2014 |  |  |  |
| * 1. land over 0.4 hectares that is set apart as Māori reservation and that is wāhi tapu under section 338 of Te Ture Whenua Māori Act 1993 |  |  |  |
| * 1. land (if that land exceeds 0.4 hectares in area), that pursuant to an enactment specified in Schedule 3 of the Treaty of Waitangi Act 1975 or in regulations,-      1. is owned by the governance entity of a collective group of Māori such as an iwi or a hapū; and      2. is managed in accordance with the Conservation Act 1987 or an enactment referred to in Schedule 1 of that Act |  |  |  |
| * 1. any reserve under the Reserves Act 1977 (if that reserve exceeds 0.4 hectares in area) that, pursuant to an enactment specified in Schedule 3 of the Treaty of Waitangi Act 1975 or in regulations, is managed wholly or jointly by the governance entity of a collective group of Māori such as an iwi or a hapū |  |  |  |
| * 1. Te Urewera land (as defined in section 7 of the Te Urewera Act 2014) |  |  |  |
| * 1. Whanganui River (as defined in section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017) |  |  |  |
| * 1. Maungatautari Mountain Scenic Reserve (as defined in section 71(1) of the Ngāti Koroki Kahukura Claims Settlement Act 2014) |  |  |  |

**PART C**

1. The items marked ‘yes’ above are:

|  |  | Relevant Land | Adjoining Land (if relevant) |
| --- | --- | --- | --- |
| [[4]](#footnote-4) | Record of Title and Legal Description: |  |  |
| Comments: |  |  |
|  | Record of Title and Legal Description: |  |  |
| Comments: |  |  |

Comments should include:

* the size of the relevant land,
* the name of any relevant island, lake, or river,
* the name of any parks,
* the detail of heritage orders,
* the nature of any historic or wāhi tapu site, etc. and
* other investigations undertaken.

If the relevant land includes ‘fresh or seawater areas’ continue to Part D.

**PART D – Fresh or seawater areas**

|  | YES | NO | REF[[5]](#footnote-5) |
| --- | --- | --- | --- |
| 1. The land the subject of this certificate is or includes: |  |  |  |
| * 1. marine and coastal area |  |  |  |
| * 1. bed of a river (ad medium filum aquae[[6]](#footnote-6)) |  |  |  |
| * 1. bed of a river (interior[[7]](#footnote-7)) |  |  |  |
| * 1. bed of a lake (ad medium filum aquae) |  |  |  |
| * 1. bed of a lake (interior) |  |  |  |

1. To assist consideration of fresh or seawater area(s) identified above, please provide, to the best of your knowledge, the following information[[8]](#footnote-8):

|  |  |
| --- | --- |
| Name/description of waterbody: |  |
| Type of waterbody: |  |
| Record of title(s) and legal description of the parcel of land that contain the waterbody[[9]](#footnote-9): |  |
| Record of title(s) and legal description of the parcel of land that adjoin the waterbody[[10]](#footnote-10): |  |
| Is the parcel of land subject to current or historic Treaty claim[[11]](#footnote-11)? If yes, please specify: |  |
| Does the parcel of land contain marine and coastal area over which customary marine title is held[[12]](#footnote-12)? If yes, please specify: |  |
| Does the parcel of land contain a historic place, historic area, wāhi tapu, or wāhi tapu area that is registered, or for which there is an application or proposal for registration that is notified under section 67(4) or 68(4) of the Heritage New Zealand Pouhere Taonga Act 2014? If yes, please specify: |  |
| Is the parcel of land subject to a heritage order, or a requirement for a heritage order, under the Resource Management Act 1991 or the Heritage New Zealand Pouhere Taonga Act 2014? If yes, please specify: |  |
| Does the parcel of land contain area that is set apart as Māori reservation and is wāhi tapu under section 338 of Te Ture Whenua Māori Act 1993? If yes, please specify: |  |
| Does the parcel of land include any scientific, scenic, historic, or nature reserve under the Reserves Act 1977 that is administered by the Department of Conservation? If yes, please specify: |  |
| Is the parcel of land held for conservation purposes under the Conservation Act 1987? |  |
| Does the parcel of land contain area or areas that is or are contaminated land, as defined in section 2(1) of the Resource Management Act 1991? If yes, please specify: |  |
| Does the parcel of land contain an area or areas that is or are, or is or are likely to be, subject to one or more natural hazards (as defined in section 71(3) of the Building Act 2004)? If yes, please specify: |  |
| Are there any biosecurity threats on the parcel of land[[13]](#footnote-13)? If yes, please specify: |  |
| What degree did human intervention play in the formation of this waterbody[[14]](#footnote-14)? |  |
| Which iwi/ hapū/whānau within whose takiwā does the waterbody fall under? Directory of iwi and Māori organisations [here](http://www.tkm.govt.nz/). |  |
| Are there any existing structures on bed of the waterbody, including third-party interests in those structures? |  |
| Are there existing easements/encumbrances/use rights over the bed of the waterbody? |  |
| To access the waterbody, would the public need to firstly enter/travel through private land? Please provide details of any other barriers (legal, physical) to public accessibility: |  |
| Is it a navigable waterbody? |  |
| Is it a tidal waterbody? |  |
| Is there a significant interrelationship to surrounding land / marine and coastal area / waterbodies[[15]](#footnote-15)? If yes, please specify: |  |
| Please provide additional comments, if any[[16]](#footnote-16): |  |

1. To your best endeavours, provide information on the below in relation to each waterbody[[17]](#footnote-17):

Name/description of waterbody:

|  |
| --- |
| Geographic location |
|  |
| Transaction history of parcel |
|  |
| Size of total parcel |
|  |
| Name and width of lake / river |
|  |
| Course of river, including direction it flows in |
|  |

|  |
| --- |
| Maps to include: |
| Attach maps that include:   * Aerial photos showing the relevant land and indicating where the fresh or seawater area is located, and where any other waterbodies that are not a fresh or seawater area are located. * Landonline spatial search diagram showing legal descriptions of the relevant land. * Landonline spatial search diagram showing owners of immediately neighbouring land to the fresh or seawater area. * Any SO, ML, DP, or Deeds Plan showing legal description of relevant land and areas of fresh or seawater area. * Any other maps of interest. |

Dated at this day of 20

<NAME>

1. The term “land” in this certificate includes any associated land, if any. The Overseas Investment Office does not require this certificate to address land unless it is relevant land (as defined in the Overseas Investment Act 2005). This sensitive land certificate applies to the most recent version of the Overseas Investment Act 2005, including amendments to Schedule 1 and new Schedule 1A as a result of the Overseas Investment Amendment (No 3) Act 2021. [↑](#footnote-ref-1)
2. REF – include reference to the Record of Title and Legal Description shown in Part A. [↑](#footnote-ref-2)
3. The terms “bed”, “marine and coastal area” lake”, “non-urban area”, “residential land”, and “river” are defined in, or by legislation referred to in, the Overseas Investment Act 2005. [↑](#footnote-ref-3)
4. Include reference shown in Part A and B. [↑](#footnote-ref-4)
5. Include reference to Record of Title and Legal Description shown in Part A, B and C. [↑](#footnote-ref-5)
6. ad medium filum aquae being the legal presumption that the owner of relevant land with a moveable boundary that bounds a non-tidal waterway is deemed to own out to the middle line of the waterway bed. [↑](#footnote-ref-6)
7. for these purposes, interior describes a river (or lake) that does not create a moveable boundary of a title or lot because when it is interior to the relevant land all of its width (or extent) is within the relevant land or the lots within the relevant land. [↑](#footnote-ref-7)
8. Please complete separate tables for each waterbody that is a fresh or seawater area [↑](#footnote-ref-8)
9. Fill in this section for Interior or if the marine of coastal area is within the parcel of land. [↑](#footnote-ref-9)
10. Fill in this section for AMF or if the marine or coastal area is adjoining the parcel of land. [↑](#footnote-ref-10)
11. As defined in section 2 of the Treaty of Waitangi Act 1975. [↑](#footnote-ref-11)
12. Common marine and coastal over which a customary marine title exists as defined in the Marine and Coastal Area (Takutai Moana) Act 2011 [↑](#footnote-ref-12)
13. For example, pests that are specified in a relevant regional pest management plan in force under the Biosecurity Act 1993. [↑](#footnote-ref-13)
14. E.g., is it a waterway or irrigation ditch dug by humans? Has there been some other substantial human intervention, like damming, rerouting etc, which has produced the fresh or seawater area? [↑](#footnote-ref-14)
15. For these purposes, a fresh or seawater area has a significant interrelationship if it connects or neighbours land / a fresh or seawater area to which any question from 2(a) through to question 2(n) apply [↑](#footnote-ref-15)
16. Comments should include advice if access is required over the fresh or seawater area, advice about why any other specific waterbodies included in the relevant land are not a fresh or seawater area, and why, and other investigations taken. [↑](#footnote-ref-16)
17. Please complete separate tables for each waterbody that is a fresh or seawater area [↑](#footnote-ref-17)