
Farm land offer exemption for farm land offer criterion

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

Decision date	3 October 2025
Case	202500586
Exemption	The Exemption Holder is exempt from the farm land offer criterion in section 16(1)(f) of the Act in respect of any application for consent under the Act for a Qualifying Transaction decided on or before 3 October 2030 (subject to the Conditions set out below).
Exemption Holder	Bright Fern Unit Trust and any of its wholly owned subsidiaries We will also refer to each Exemption Holder and the Exemption Holders together as you .
Land	Withheld under section 9(2)(b)(ii) of the Official Information Act 1982
Qualifying Transaction	The acquisition of leasehold interests in the Land by the Exemption Holders.
LINZ	Toitū te Whenua Land Information New Zealand

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, the Exemption Holder 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

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.

The Exemption Holders include special purpose entities incorporated to acquire a leasehold interest in (their respective parts of) the Land. The Land is proposed to then be used for the development and operation of solar farms. An exemption has been sought from the need to advertise the Land because it may jeopardise the solar farm developments by providing insight into well-advanced agreements with the landowners.

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

- the underlying freehold land will be owned by New Zealanders to whom it will revert once the leasehold estate expires.
- there is often a need to proactively approach existing property owners due to the very specific land requirements needed for a solar farm (the existing property owners may have no general desire to sell, lease or grant any interest to their land to a third party);
- often solar farm investors face uncertainty and risk which may discourage further renewable energy investment, if they are forced to undertake extensive feasibility studies without first obtaining a right to acquire the land needed for the proposed solar farm;

- the Exemption is consistent with the principle that overseas investment should benefit New Zealand, noting the high importance the Government places on renewable energy; and
- the Land will be temporarily used for a solar farm and for grazing. The Land could also revert to an exclusive farming use should the Land no longer be needed for a solar farm.

LINZ considers that the extent of the Exemption is not broader than is reasonably necessary, as it is limited to interests acquired for the purpose of developing a solar farm (which will likely be of high benefit to New Zealand given the high importance the Government places on renewable energy). The Exemption is for a time period of five years (being the maximum available), as it will cover [Withheld under section 9(2)(b)(ii) of the Official Information Act 1982].