

Exemption

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

Decision date	28 August 2025
Case	202500484
Exemption	<p>Every person is exempt from the requirement to obtain consent under section 10(1)(a) of the Act for the acquisition of residential (but not otherwise sensitive) land in the Development provided all of the following criteria are met:</p> <ul style="list-style-type: none"> a) the purchaser entered into the transaction on or before 22 August 2023; b) the purchaser becomes the registered owner of the residential dwelling within the earlier of: <ul style="list-style-type: none"> (i) three months of the Record of Title for the dwelling being issued; or (ii) 31 December 2027, and; c) the purchaser acquires the residential dwelling from the Developer.
Developer	Shundi Customs Limited (Company number 5342341)
Development	83 Customs Street East, Auckland CBD, Auckland, as defined in Appendix A.
Expiry	This exemption expires on 31 December 2027.

Definitions

Act means Overseas Investment Act 2005.

Transitional Exemption Certificate means the Transitional Exemption Certificate issued to the Developer on 15 April 2019 under Schedule 1AA Clause 6 of the Act.

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 Exemption has the same meaning as in the Act or Regulations.

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 Developer 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.

Amendment or revocation of exemption

The Exemption may at any time be amended or revoked by LINZ in the same way as it may be made.

Reasons for exemption

LINZ have granted various exemptions in relation to the Development since 2018 when the restrictions on residential land were introduced into the Overseas Investment Act. The Development was planned prior to the restrictions on the basis that the dwellings could be sold to overseas persons. The viability of the Development therefore depends on the Developer's ability to sell to overseas persons.

Most recently, in 2023 LINZ granted a discretionary exemption in relation to the Development's 2018 Transitional Exemption Certificate.² An exemption was required to resolve ambiguity in the Transitional Exemption Certificate as to whether transactions needed to only be entered into by the expiry date, or settled by that date. The 2023 exemption extended the timeframe for overseas persons to settle transactions that were entered into on or before the expiry of the Transitional Exemption Certificate for a further 2 years.

The Development has experienced a number of delays including most recently due to a dispute with the construction partner. The Developer has now resolved that dispute and engaged a new construction partner who expects to complete the Development by the end of 2026. The delays have caused unique financial pressures on the Developer and the Developer is now seeking new finance to ensure the completion of the Development. It is a condition of that financing that the existing transactions entered into prior to 2023 are able to settle.

In the circumstances, LINZ consider the Exemption is necessary, appropriate or desirable because:

² Case 201900082 published on the Register of Discretionary Exemptions

- a) Compliance with the Act (without the Exemption) would be impractical, inefficient, unduly costly, or unduly burdensome. Individual purchasers have options to seek consent for their individual purchases, however these consents would be subject to mandatory conditions that were not contemplated at the time the Transitional Exemption Certificate was granted.
- b) The 2023 exemption was minor or technical as it sought to resolve uncertainty about the way the Act applies. The same reasoning applies to the Exemption as it covers the same existing transactions.
- c) The delays which have led to the need for a further exemption were not contemplated at the time the 2023 exemption was granted, and are outside the Developer's control, to an extent.
- d) The completion of the Development is dependent on the Exemption as the Developer cannot secure appropriate finance without it. There would be significant financial hardship to both the Developer and the existing purchasers of the dwellings if the Exemption is not granted.

The extent of the Exemption is not broader than reasonably necessary. The Exemption only applies to transactions to which the Transitional Exemption Certificate would otherwise apply and does no more than give effect to one of the two competing interpretations.

Appendix A – Development

- The Exemption applies to the Development, approximately 0.2729 hectares comprised in the below records of titles, street address 83 Customs Street East, Auckland CBD, Auckland.

Record of Title	Legal Description	Area (ha)	Total Area (ha)
80661	Lot 1 DP 320362	0.1123	
NA100C/316	Lot 1 DP 51212	0.0544	
NA761/82	Allotment 35 Section 2 City of Auckland	0.0278	
NA47C/455	Lot 1 DP 43134	0.0784	0.2729

- The following image indicates the boundaries of the Development.



- If there is any inconsistency between the boundary in the image and the land area as defined in the records of title, the land area prevails.