

Farm land offer exemption for farm land offer criterion

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

Decision date	20 August 2025
Case	202500272
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 31 August 2027.
Exemption Holder	Chanel International B.V. (Dutch company number 28057114) We will also refer to the Exemption Holder as you .
Vendor	Susan Judith Elliot and Robert John Stuart Elliot as Trustees of the R A W Elliot Family Trust and as trustees of the R J S Elliot Family Trust, in their capacity as partners of Lammermoor Partnership
Land	A freehold interest in approximately 5,148.1380 hectares of land located at Lammermoor Station, 1321 Upper Taieri-Paerau Road, Serpentine, Otago
Qualifying Transaction	The acquisition by the Exemption Holder of up to 60% of the shares in a yet to be incorporated New Zealand company wholly owned by the Vendor, provided that company is established by the Vendor in accordance with an investment agreement between the Exemption Holder and the Vendor to hold the interest in the Land for the purpose of undertaking a joint venture on the Land.
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.

In this case, we consider the Exemption to be necessary and appropriate as:

- the interest in Land is being acquired through a joint venture company and is not available for purchase independently from the company. The joint venture is being created as a result of an existing relationship between the Exemption Holder and the Vendor, so shares in it would not genuinely be available to alternative purchasers;
- the conditions of the joint venture agreement are bespoke and written in favour of the Vendor continuing to use the Land. Any alternative purchaser would therefore have limited ability to access or use productive farm land, even if they were the successful bidder; and
- the Exemption Holder has specific property requirements for the purpose of its investment that are unique to the Land and Vendor. The Exemption Holder is likely to be commercially prejudiced if advertising of the shares discloses its due diligence that is then leveraged by competitors.

The Exemption is not broader than is reasonably necessary as it is limited to a specific transaction involving the indirect acquisition of sensitive land, via the purchase of securities, and it will expire in 24 months.