
Exemption

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

Decision date	30 April 2026
Case	202600208
Exemption	Withheld under section 9(2)(a) of the Official Information Act 1982 is exempt from the requirement of consent under the Overseas Investment Act 2005 for the acquisition of a freehold interest in approximately 0.1424 hectares of residential land at 36 Moana View Road, Picton, shown as Lot 2 on LT Plan 619353 and being part of the land currently comprised in cross-leased Records of Title MB4C/551 and MB4C/376.
Expiry	This exemption expires on 30 April 2028.

Definitions

Act means Overseas Investment Act 2005.

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 Consent 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, **Withheld under section 9(2)(a) of the Official Information Act 1982** 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 and conditions of the Exemption may at any time be amended or revoked by LINZ in the same way as it may be made.

Reasons for exemption

The exemption holder is a citizen and resident of the United States of America. She acquired the relevant residential land on 11 January 2018, prior to the amendments to the Act which restrict overseas persons from acquiring interests in residential land without consent. She currently holds a cross-lease interest in the residential land, together with an undivided one-half share of the underlying fee simple estate.

The exemption holder and her New Zealand citizen neighbours are in the process of subdividing the residential land thereby converting the existing cross-lease titles to fee simple titles.

The transaction meets the criteria in sections 61E and 61F of the Act because compliance with the Act would be inefficient, unduly costly, or unduly burdensome, given the nature of the transaction and the sensitivity of the asset. The Exemption is also minor and technical in nature. Specifically:

- The exemption holder acquired the residential land prior to the relevant legislative changes restricting ownership of residential land in 2018. The exemption holder already lawfully owns and controls the residential land and is entitled to remain the owner without consent.
- The subdivision merely restructures the existing interests. It does not confer any additional rights of control or ownership. The conversion to a fee simple title results in no material change in ownership or control of sensitive land.
- Granting the exemption avoids unintended and disproportionate consequences for both the exemption holder and her New Zealand citizen neighbours, who would otherwise be unable to complete the approved subdivision, without the exemption first obtaining consent or being granted exemption under the Act.

The extent of the exemption is no broader than reasonably necessary to address the circumstances as it only applies to the exemption holder's existing interests and it does not apply to future acquisitions, additional land or other transactions. It is limited only to two years.