Application for Consent to Purchase Apartment(s) Off the Plans

(Overseas Investment Act 2005)

This template sets out the required structure, content and attachments for an application for consent to purchase apartment(s) off the plans.

It is important that you provide us with accurate and complete information. It is an offence to make a false or misleading statement or material omission in any information or document provided to the Overseas Investment Office (OIO).

The OIO may use relevant legislation to share details of this application with other agencies to the extent permitted by law and as required to complete the application process.

Instructions:

* Please do not remove the instruction text from this template.
* Use the latest version of this template. Download this template from our website before each use.
* Follow the guidance in each section. Provide all required information.
* When submitting an application of this type, ensure that all appendices referenced in the applicant’s application are included (note we will not commence our Quality Assurance process until all documents are received):
* Be concise and use plain English. Use headings and tables (if relevant) and explain industry terminology.
* The formatting of this template has been kept as simple as possible so that you can adapt it to suit your own information and document management systems.
* Tables, diagrams, maps, schedules etc should be added as appendices to your application rather than being inserted within this template.
* Documents in a foreign language must be accompanied by full certified translations (unless otherwise agreed with the OIO in advance).
* This is a living document and must be updated during the assessment process if further information is provided. Updated versions of this document must be recorded in the table below and with [tracked changes](https://support.office.com/en-us/article/Track-changes-in-Word-197ba630-0f5f-4a8e-9a77-3712475e806a#ID0EAABAAA=2016,_2013) so the OIO can easily identify those updates.
* Contact the OIO if you have any questions about this template or your application generally (+64 4 462 4490, [oio@linz.govt.nz](mailto:oio@linz.govt.nz)).
* You must upload and submit the completed application form using our [Application Submission Webform.](https://www.oio.linz.govt.nz/oio-application-submissions)

Electronic Filing Requirements

Your application and supporting information must be submitted electronically using our [Application Submission Webform](https://www.oio.linz.govt.nz/oio-application-submissions). The Webform is a secure upload site and provides details of our electronic filing requirements.

Please do not provide hard copy versions of your documents.

|  |  |  |  |
| --- | --- | --- | --- |
| Checklist | | | |
| 1. | Electronic copy of your signed application (without appendices) |  |
| 2. | Electronic copy of each appendix to your application (number and describe each appendix as follows: ‘Appendix 01 – X’) |  |
| 3. | All PDF documents are:   * ‘Printed to PDF’, or scanned and OCR’d (i.e. all text in the document can be copied) * Free from security restrictions * In colour (if the document contains colour) * If scanned, at 300 dpi (where possible) |  |

Version control

Record the details of each version of the application below.

|  |  |  |
| --- | --- | --- |
| Applicant Name | | Click or tap here to enter text. |
| Version | Date | Description |
| e.g. 1.0 | e.g. 01/01/20 | e.g. First version submitted to OIO |
| [Add] | [Add] | Click or tap here to enter text. |
| [Add] | [Add] | Click or tap here to enter text. |

Applicant signature – Version 1.0

Only version 1.0 and the final version of the application must be signed.   
Sign version 1.0 of the application below.

|  |  |  |
| --- | --- | --- |
| Version 1.0 | | |
| [Sign here] | | Date [e.g. 01/01/20] |
| [Name] | [Position] | [Date] |

Applicant signature – Final version

|  |  |  |
| --- | --- | --- |
| Do not sign the final version of the application below until the OIO requests you to. | | |
| [Sign here] | | Date [e.g. 01/01/20] |
| [Name] | [Position] | [Date] |

Summary of Key Information

The information in this table allows the OIO to quickly identify the nature of the application, enter the application into its case management system.

We may contact the parties listed below during the process and following the decision.

|  |  |  |
| --- | --- | --- |
| Date | Click or tap to enter a date. | |
| Applicant | [Who is the acquiring entity or person] | |
| Applicant’s adviser(s) if relevant | [Primary contact]  [Please include full contact details including address, phone and email] | [Secondary contact]  [Please include full contact details including address, phone and email] |
| Applicant | [Contact details for the applicant]  [Please include an email address and contact number for the applicant. This must not be for the applicant's advisor(s).] | |
| NZ Service Address |  | |
| Development | [Briefly describe the development and clarify whether the apartment development is:  One or more multi-storey building(s) where the building(s) will consist of at least 20 residential dwellings.  OR  An increase in the number of residential dwellings in one or more multi-storey building(s) where the number of residential dwellings in the building(s) will be increased by 20 or more] | |
| Transaction of national interest | Section 20A:  Does the transaction fall under Section 20A of the Act?  Yes, the transaction is an investment in a strategically important business.  Yes, the transaction involves a non-New Zealand government investor.  No, the transaction is neither of the above.  Section 20B:  Does the Applicant consider the transaction to be a transaction of national interest under section 20B of the Act?  Yes  No  Note: Under Section 20B the Minister may consider **any** application to be a transaction of national interest. For more information on this, please refer to the OIO’s [Supplementary Ministerial Directive Letter](https://www.linz.govt.nz/overseas-investment/about-overseas-investment-office/legislation-ministers-delegated-powers) and Treasury’s [Foreign Investment Policy and National Interest Guidance](https://treasury.govt.nz/publications/guide/foreign-investment-policy-and-national-interest-guidance). | |
| Address of Residential Land | [Specify the address of the development]  [Confirm that the land is residential only and not otherwise sensitive under the Act for any other reason]  This pathway cannot be used for land that is otherwise sensitive under the Act. | |
| Application Fee | [The application fee will be paid by direct credit after the correct amount has been confirmed by the OIO. Please send the GST receipt to [email address]] | |
| Requested decision date | [e.g. 1 February XXXX and why consent is required by this date and any consequences should the date not be met] | |

Defined terms

This table should be expanded as required to include additional relevant defined terms. Use meaningful, defined terms that are easily remembered.

|  |  |
| --- | --- |
| Act | means the Overseas Investment Act 2005 |
| Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. |

Apartments off the Plans Summary

Section 16(3) (b) in part 2 of the Act provides a pathway for applicants to purchase one or more residential dwellings in a development.

The development in which the apartments are being purchased must be as described in clause 4(1) of Schedule 3 of the Act.

The development must be:

* the construction of one or more multi-story building(s), where each building consists of at least 20 residential units; or
* an increase in the number of residential dwellings (apartments) in one or more multi-storey building(s), where the number of apartments in each building will be increased by 20 or more.

To be eligible for this pathway:

* this application must relate to one or more new apartments in that development; and
* the transaction must be entered into before the construction of the apartments is complete.

For the purposes of this condition, the construction of the apartment is complete on the earlier of:

* the issue of a code compliance certificate for an apartment
* the issue of a certificate of practical completion for an apartment, or
* the issue of a record of title for an apartment.

Section A: Applicant is an Individual

Complete this section only if the applicant is an individual. If the applicant is an entity complete Section B.

Required content:

• Full name of acquiring person.

Required attachment to be uploaded:

• Copy of passport.

If the applicant is an entity, complete Section B.

Name of person

1. Response

Click or tap here to enter text.

Section B: Applicant is an Entity

The purpose of this section is to obtain full information about the applicant so the OIO can fully understand the individual or entity making the investment and identify who it should focus its assessment on (i.e. identify the individual with control for the investment).

Ownership and control

Required content:

* Full information on beneficial ownership and control of the acquiring entity tracing back to ultimate owners/controllers.
* Incorporation, shareholder and director information for entities making up the relevant overseas person

Required attachments to be uploaded:

* Structure diagram(s) showing ultimate ownership: simplified and full diagrams, pre and post transaction
* Certificate(s) of incorporation.
* Formation documents (e.g. trust deeds, constitutions).

1. Response

Click or tap here to enter text.

Individuals with control (IWC)

Who are the IWCs of each relevant overseas person for the investment (refer to s15)?

Required content:

* Identification of IWCs and explanation for selection.

Required attachments to be uploaded:

* Copies of passports in colour for all individuals (ROP/IWCs and directors), minimum quality for scanned document is 300dpi, we will not accept copies with dark shadows, glare from light, or cropped, distorted, or blurry images.

Or written confirmation from the OIO that it has waived this requirement.

1. Response

Click or tap here to enter text.

Relevant overseas person (ROP)

Who is the relevant overseas person for the investment (refer to s15)?

Required content:

* Identification of the ROP and explanation for selection. If you have excluded entities or individuals with an ownership or control interest from the ROP, explain why.

Note - ROP is a collective term that may cover more than one individual / entity.

1. Response

Click or tap here to enter text.

ROP / IWC individuals

Complete the table for each individual you have identified as a relevant overseas person or individual with control.

ROP/IWC individuals

| Full legal name in English | Full legal name in non-English characters | Other names e.g. maiden name | Role  e.g. director of company X | Joined ROP/IWC since  e.g. January 2010 | Passport number | Passport expiry date | Nationality | Residing country | Date of birth | Inland Revenue number, if held |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| [Individual 1] | Add | Add | Add | Add | Add | Add | Add | Add | Add | Add |
| [Individual 2] | Add | Add | Add | Add | Add | Add | Add | Add | Add | Add |
| [Individual 3] | Add | Add | Add | Add | Add | Add | Add | Add | Add | Add |

ROP entities

Complete the table for each entity you have identified as a relevant overseas person.

ROP entities

| Full legal name of entity in English | Full legal name in non-English characters | Other names  e.g. trading/former names | Type of entity  e.g. Limited liability company | Jurisdiction | Unique identifier  e.g. ACN/NZBN | Inland Revenue number, if held |
| --- | --- | --- | --- | --- | --- | --- |
| [Entity 1] | [Add] | [Add] | [Add] | [Add] | [Add] | [Add] |
| [Entity 2] | [Add] | [Add] | [Add] | [Add] | [Add] | [Add] |
| [Entity 3] | [Add] | [Add] | [Add] | [Add] | [Add] | [Add] |

List of individuals with a beneficial interest in the Applicant

This list is aimed at identifying the individuals who ultimately have a beneficial ownership interest in the Applicant. This information (together with the information provided in the application and structure diagrams) should provide a full depiction of the ownership of the Applicant.

Widely held entities

Where entities are widely held and it is not practical to identify all beneficial owners, only those individuals with a greater than 5% interest (either alone or together with associates) in the Applicant need to be provided. In these circumstances an approximate indication of the number of shareholders should be provided in the application.

If it is not possible to identify individual beneficial owners, entities may be included in the table instead. In these circumstances, an explanation of why it is not possible to identify the individual beneficial owners should be provided in the application. A description of each entity in the table, including who owns/controls it, should also be provided in the application (e.g. a Norwegian superannuation fund for the benefit of state sector employees managed by the Norwegian Government entity ‘X’).

|  |  |
| --- | --- |
| Individual | Percentage of ownership |
| X | X% |
| X | X% |
| X | X% |
| X | X% |
| X | X% |
| Other | X% |
| Total | 100% |

Breakdown of beneficial ownership of Applicant by Country

We require this information primarily for statistical purposes. Provide a breakdown of ultimate beneficial ownership of the applicant by **country**. Avoid grouping countries or listing ownership by continent.

For listed companies, applicants should provide the most accurate information they can about the location of their shareholders and be clear about the source of that information.

|  |  |
| --- | --- |
| Country | Percentage of ownership |
| X | X% |
| X | X% |
| X | X% |
| X | X% |
| X | X% |
| Other | X% |
| Total | 100% |

Section C: Development

This section is intended to confirm the particulars of the residential dwellings(s) and that a transaction has not already been given effect without consent.

Required content:

* Provide information about the development project (include prospectus or concept drawings if available)
* Identify whether the development in which the apartments are being purchased involves 1 or both of the following:
* the construction of one or more multi-story buildings, where each building consists of at least 20 residential units; or
* to increase in the number of residential dwellings in 1 or more multi-storey buildings, where the number of residential dwellings in each building will be increased by 20 or more; and

Required attachments to be uploaded:

Full copies, without redactions, of:

* Relevant transaction agreements/ documents. Provide draft agreements if executed copies are not available.
* Apartment development plans/proposal, including estimated completion timeframe.
* Address and unit number/s.
* Record(s) of title (if available).
* Sale and purchase agreement.

1. Response

Click or tap here to enter text.

Section D: Residential land

This section confirms key information about the residential land upon which the development is being constructed.

Details of the land

Required content:

* A description of the land (use the property table provided below).
* Provide the address or other identifying information about the location of the land.

Required attachments to be uploaded:

* Sensitive land certificate
* Map clearly identifying the boundaries of the relevant land.

1. Response

Click or tap here to enter text.

|  |  |
| --- | --- |
| [Property address and name if relevant] (one table per property) | |
| Record(s) of Title | [confirming whether there is likely to be any change to these during the development] |
| Registry and Territorial Authority | [E.g. South Auckland Registry, Auckland Council] |
| Land Area | Click or tap here to enter text. |
| Legal Description | Click or tap here to enter text. |
| Estate | Click or tap here to enter text. |
| Sensitivities | [Residential land] |

1. Response

Click or tap here to enter text.

Section E: General

The purpose of this section is to allow you to add additional information and comment including any special requirements regarding confidentiality.

The OIO is subject to the Official Information Act 1982. Any request for confidentiality must make direct reference to the provisions of the Official Information Act 1982 that you consider justify the withholding of the information. Review our [website](https://www.linz.govt.nz/regulatory/overseas-investment/applying-for-consent-purchase-new-zealand-assets/preparing-your-application-oio/privacy-and-confidentiality-application-information) and the [practice guidelines](http://www.ombudsman.parliament.nz/resources-and-publications/guides/official-information-legislation-guides) issued by the Office of the Ombudsman before making a request.

1. Response

Click or tap here to enter text.

List of Appendices

Use this table to list all appendices attached to your application. Please name your appendices beginning with ‘Appendix 01’ etc.

|  |  |
| --- | --- |
| Appendix 01 | Add text |
| Appendix 02 | Click or tap here to enter text. |
| Appendix 03 | Click or tap here to enter text. |
| Appendix 04 | Click or tap here to enter text. |
| Appendix 05 | Click or tap here to enter text. |