Investment Plan

Residential land development

Increased Housing

Non-residential Use
Incidental Residential Use

Application for standing consent to acquire Sensitive land

Use this template for applications for a standing consent under the following tests:

* increased housing;
* non-residential use; and
* incidental residential use tests.

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 Land Information New Zealand (**LINZ**).

LINZ 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.
* Be concise and use plain English. Use headings and tables (if relevant) and explain industry terminology.
* 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 LINZ can easily identify those updates.
* **You must upload the completed investment plan to your online application for consent before you submit the application.**

Electronic Filing Requirements

Your investment plan and supporting information must be submitted electronically using our [Application Submission Webform](https://oio.linz.govt.nz/apply-residential-land-development). 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 attachments) |[ ]
| 2. | Electronic copy of each appendix to your application (number and describe each attachment as follows: ‘Attachment 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 investment plan 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 LINZ |
| [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 investment plan 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 investment plan below until LINZ requests you to.

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

Section 1: Standing consent requested

Use this section to confirm the scope of the standing consent you are requesting. Do not request a broader consent than you require (the decision-maker will ultimately decide the scope of any consent granted).

You must specify the number of transactions you wish to complete under the standing consent and pay for those transactions prior to any consent being granted (i.e. when invoiced by LINZ).

Note - standing consents only cover future transactions. An investor cannot enter into an overseas investment transaction before a standing consent is granted and settle it afterwards under the new consent (refer s23A). Investors should also be aware that the Act defines ‘transaction’ broadly and can include informal agreements that precede a formal contract (refer s6). LINZ recommends that applicants do not defer entering into transactions in anticipation of obtaining a standing consent.

|  |  |
| --- | --- |
| Purpose | [Increased housing test / Non-residential use test / Incidental residential use test] |
| Duration  | [E.g. 2 years] |
| Location of land  | [e.g. relevant district] |
| Max land area (ha) | [E.g. X hectares] |
| Max land area per transaction | [E.g. X hectares] |
| No. of transactions | [5] |

Section 2: Investment plan

Use this section to describe your investment plans in New Zealand, the nature of the land you wish to acquire and why. Refer to this information later when addressing the relevant criteria (avoid duplicating information).

Your plans must clearly demonstrate the need for the standing consent requested in Section 1. They must also be sufficiently advanced that the decision-maker can be satisfied that the requirements of the relevant test will be met, and appropriate conditions can be imposed and are likely to be complied with.

We also require this information to identify the level of business experience and acumen required to make a success of the investment, to assess the risk profile of your application, and for statistical purposes.

Required content

Provide the following:

* A summary of your investment plans for New Zealand, why you wish to acquire residential land and why you need a standing consent in the form requested.
* A description of what you plan to do with the residential land (being one or more of the following):

*Increased housing*

* Increase the number of residential dwellings.
* Construct a long-term accommodation facility (or increase the number of dwellings of an existing facility).
* Development works in support of the above.

*Non-residential use*

* Use it for non-residential purposes in the ordinary course of business for the relevant business.

*Incidental residential use*

* Use it for residential purposes in support of the relevant business.
* A summary of the main consents and authorisations likely to be required to give effect to your investment plans.
* Likely project timeframes (key milestones: e.g. key consents obtained, commencement of construction, completion of construction, on-sale / commencement of operations).
1. Response

Section 3: Financial strength, track record
and other matters

The decision-maker must be satisfied that certain conditions will be, or are likely to be, met. Tell us about each of the matters below to assist us in making this assessment.

Financial strength

Required content:

Provide the following:

* A summary of your financial position.
* Confirm you have:
* assets greater than the value of its liabilities, including present, future, and contingent liabilities; and
* cash from trading, cash reserves or access to credit facilities that are in place, sufficient to cover your debts as they become due in the normal course of business over the duration of the standing consent including if the transactions covered by the consent are undertaken.
* For developments: A description of how you will fund the developments described in Section 2, identifying key funding arrangements and financiers.
1. Response

Track record

Previous activity regarding the use of residential land

Required content:

Provide a summary of your history of using residential land, including:

* Whether you have undertaken (or are undertaking) activities which are the same or similar to that proposed in the application and a summary of those activities.
* Whether the above activities have been successful (e.g. for developments, note if any were commenced but not completed and why).
1. Response

Complying with consent conditions or applying to vary consent conditions

Required content:

Provide a summary of your history of compliance with consent conditions – including:

* Whether you have received consent under the Act and the case number for any consents received. If there have been a large number of consents granted previously, only note the most recent ones.
* Comment on any instances of non-compliance with consent conditions, particularly if it has resulted in enforcement action by LINZ (e.g. warnings, compliance letters, fines, or penalties).
1. Response

Other matters

Processes / systems / steps for ensuring all requirements will be met

Tell us about the processes / systems / steps you will use when making an investment under the standing consent, and during your ownership, to ensure all requirements will be met. You can refer to this information later to help you address relevant criteria.

Required content

Provide details of the relevant processes / systems / steps you will use, including for example:

* Engaging a land certificate provider to confirm that the land is residential only land (i.e. not otherwise sensitive) before acquisition.
* Engaging a lawyer experienced in overseas investment matters to review each proposed investment under the standing consent to ensure that it is within the scope of the consent and conditions can be complied with.
* Training and oversight for key staff to ensure they are aware of relevant consent conditions / restrictions.
1. Response

How will you meet the following conditions:

* *Conditions requiring you to notify us of each transaction completed under the standing consent;*
* *Conditions limiting the scope of the standing consent (e.g. by number of transactions, total land area, location of land etc); and*
* *Conditions about outcomes (e.g. timeframes for completing developments).*

You can refer to the information provided above to help address this requirement.

1. Response

Section 4: Meeting the requirements
of the relevant test

Standing consents will be subject to conditions ensuring the relevant test is met. The decision-maker must be satisfied that these conditions will be met before granting a standing consent. Draw on your investment story to show how you will meet the requirements of the relevant test.

If you are not applying under a particular test, state N/A next to each question in that section.

Increased housing

How will you meet the requirement to:

* *increase in the number of residential dwellings constructed on the residential land;*
* *construct a long-term accommodation facility, or increase in the number of dwellings in a long-term accommodation facility, on the residential land; or*
* *complete development works in support of either of the above?*

Required content

Provide the following:

* Confirm:
* which increased housing outcome(s) you are applying under; and
* how you meet the relevant test(s) (e.g. confirm the nature of the development works you are likely to undertake, and/or the minimum number of dwellings you plan to build, and likely timeframes for completing this work be completed).

Note: The increased housing outcomes are measured by comparing the expected result of your investment against the state of the residential land before the transaction takes effect.

1. Response

How will you meet the on-sale outcome, or will an exemption apply?

Unless exempt, the relevant overseas person (**ROP**) must dispose of all relevant interests in the residential land within a specified period. Draw on your investment story to address this requirement or explain why you consider an exemption will apply.

Required content

Provide the following:

* Explain how the land or dwellings are likely to be on-sold (i.e. sales method).
* The timeframe (or timeframes if staged developments are proposed) by which the developed land or new dwellings are likely to be on-sold.
* If applicable, submissions on why the proposed investments under the consent are likely to qualify (or include investments that qualify) for the:
* Exemption relating to the operation of a long-term accommodation facility; or
* Exemption relating to large developments with shared equity, rent-to-buy, and rental arrangements.
1. Response

How will you meet the non-occupation outcome?

Certain people must not occupy the relevant land for the period that the ROP has a relevant interest in the residential land. Draw on your investment story to address this requirement.

Required content

Provide the following:

* Confirm no person of the class described in clause 17 of Schedule 2 of the Act will occupy the relevant land (i.e. any ROP, more than 25% owner / controller of the ROP, occupier on other than arm’s-length terms, person with a beneficial interest or entitlement in the land, or (if the ROP includes a trust) any person who may benefit from the trust).
1. Response

Non-residential and/or incidental residential use

Relevant business

What is the business the residential land will be acquired for or in support of (the ‘relevant business’)?

Under the non-residential and incidental residential use tests the Minister may determine the ‘relevant business‘ - being the business that the residential land is being acquired for or in support of.

Required content

Provide the following:

* Identify the relevant business and its nature, being either:
* The business of the ROP; or
* A business of another person (Person B) if the ROP will own and control the relevant interest in the residential land for Person B to use in Person B’s business (e.g. the business of a person you lease the land to).
* Submissions addressing the requirement for the business to continue (or likely continue) for a reasonable period of time, given the circumstances and nature of the business.
* If you are applying under the incidental residential use test, submissions addressing the requirement that the relevant business is not (or is only exceptionally) in the business of using land for residential purposes.
1. Response

Non-residential use

Will the residential land be used for, or likely used for, non-residential purposes in the ordinary course of the relevant business?

Draw on your investment story to address this criterion.

Required content

Provide the following:

* Identify the non-residential purpose land will be used for and the likely timeframe that this use will commence.
* Confirm whether you are likely to use all the land for this non-residential purpose. If you are likely to use only part of the land for this purpose (or require the flexibility to do so), confirm whether you are applying under another test for the remainder or intend to on-sell it (identify the timeframe for on-sale if the latter applies).
* Confirm whether any land retained by the applicant will not be used or held (or likely to be used or held) for any residential purposes.
1. Response

If the non-residential use is unlikely to occur within a short period (e.g. one year from acquisition), will:

(a) the non-occupation outcome occur or be likely to occur; or

(b) the incidental residential use test be met;

in the interim?

If you are relying on (a), provide the required content below. If you are relying on (b), then state this and complete the incidental residential use section. You may also make submissions on why you consider a longer than one-year period qualifies as a ‘short period’ in the context of the proposed investments.

Required content

Provide the following:

* If you are relying on (a):
* Confirm that no person of the class described in clause 17 of Schedule 2 of the Act will occupy the relevant land (i.e. any ROP, more than 25% owner / controller of the ROP, occupier on other than arms-length terms, person with a beneficial interest or entitlement in the land, or (if the ROP includes a trust) any person who may benefit from the trust).
* If relevant, submissions on why you consider a longer than one-year period qualifies as a ‘short period’ in the context of the proposed investments.
1. Response

Incidental residential use

Will the residential land be, or likely be, used only for residential purposes in support of the ‘relevant business’ and acquired in the ordinary course of the business of the ROP?

Draw on your investment story to address this criterion.

Required content

Provide the following:

* Explain the type of residential purpose the land will be used for and how this supports the relevant business.
* Confirm whether you are likely to use all the land in support of the relevant business. If you are likely to use only part of the land for this purpose (or require the flexibility to do so), confirm whether you are applying under another test for the remainder or intend to on-sell it (identify the timeframe for on-sale if the latter applies).
* Submissions addressing the requirement that the residential land will or is likely to be acquired in the ordinary course of business of the ROP (having regard to the proposed use of the residential land).
* Information addressing:
* whether any reasonable alternative exists to the proposed acquisition of interests in the residential land;
* the likely proximity of the residential land to the premises or operations of the relevant business;
* whether the proposed use of the residential land for residential purposes is (without limitation) for accommodation for staff engaged in the relevant business; and
* any other matters that may be relevant (in your opinion).
1. Response