
Exemption Certificate s61D

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

Exemption

Decision date:	30 September 2024
Case	202400533
Exemption	<p>Graham Kenneth Burgess is exempt from the requirement for consent for the acquisition of a freehold interest in residential land at 71 Ballarat Street, Queenstown. Specifically:</p> <ul style="list-style-type: none">• part AU4 DP 18862,¹• part AU5 DP 18862,² and• part common property in PU 14 and 14A DP 18862.³ <p>To be transferred to Record of Title 1160717 (Principal Unit 14, Accessory Unit 14A and 3R Deposited Plan 18862).</p>
Timeframe	This exemption expires on 31 October 2025.

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

This exemption has been granted unconditionally.

¹ Comprised in Record of Title OT6D/500.

² Comprised in Record of Title OT14C/302.

³ Comprised in Supplementary Record Sheet OT6D/522.

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 purpose of this Exemption is to exempt the acquisition of the Land from the requirement for consent for overseas investments in sensitive land.

The Queenstown Lakes District Council is acquiring a freehold interest in approximately 0.07 hectares of residential land at 71 Ballarat Street, Queenstown (**Land**) to be vested as a public road. The 0.07 hectares has been subdivided from an existing lot, with the remaining 0.17 hectares to be retained by Body Corporate 18862 and its respective members.

As part of the subdivision, several boundary adjustments were made resulting in 75 transfers of residential land. This includes the transfer of the Land to the relevant unit owner who acquired a freehold interest in 71 Ballarat Street, Queenstown prior to the requirement for consent.

Without the Exemption, the transfer of Land would require consent under the Act because it would involve an overseas person acquiring an interest in sensitive land.

We consider that there are circumstances that mean it is necessary, appropriate, or desirable to provide an exemption; and that the extent of the exemption is not broader than reasonably necessary to address these circumstances. Specifically; the transaction is minor and technical, the Land is currently being used by the overseas person and has no other practical use, the acquisition is required for legalisation purposes, and no pathways are available for the transfer.

Acquisitions of any other sensitive New Zealand Land by the Exemption holder will remain subject to any applicable requirement for consent under the Act.