

Discretionary exemption certificate

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

Exemption

Decision date	8 November 2024
Case	202400658
Exemption Holders	<p>Kam Lan Liao, Kam Tong Lee and Denise Lee, Louise Chanseau, and H�el�ene Moux and Catherine Koan</p> <p>We will also refer to Kam Lan Liao and Louise Chanseau individually as Exemption Holder; Kam Tong Lee and Denise Lee together and H�el�ene Moux and Catherine Koan together as Exemption Holder; and the Exemption Holders together as you.</p>
Exemption	<p>1. Each Exemption Holder is exempt from the requirement for consent for the acquisition of an undivided quarter share of part of the property located at 284 Richardson Road, Mount Roskill, Auckland consisting of:</p> <ul style="list-style-type: none"> a. an undivided 1/6 share of approximately 0.1283 hectares, more or less, being Part Lot 2 Deposited Plan 9530 currently being the balance of land held in Record of Title NA58B/333 (Part-cancelled); and b. an undivided 1/6 share of approximately 0.1283 ha being Part Lot 2 Deposited Plan 9530 being the balance of land held in RT NA98A/235 (Part-cancelled). <p>2. Each Exemption Holder is exempt from the requirement for consent for the registration of new cross-leases to be registered on Flats 1 to 4 of 284 Richardson Road, Mount Roskill, Auckland consisting of:</p> <ul style="list-style-type: none"> a. an undivided 1/4 share of Deposited Plan 9530 and Flat 1 on Deposited Plan 160359 held in RT 1072851; b. an undivided 1/4 share of Deposited Plan 9530 and Flat 2 on Deposited Plan 160359 held in RT 1072852;

	<ul style="list-style-type: none"> c. an undivided ¼ share of Deposited Plan 9530 and Flat 3 on Deposited Plan 160359 held in RT 1072853; and d. an undivided ¼ share of Deposited Plan 9530 and Flat 4 on Deposited Plan 160359 held in RT 1072854.
LINZ	Toitū Te Whenua Land Information New Zealand
Timeframe	This exemption expires on 30 November 2025.

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.

Conditions

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

Amendment or revocation of exemption

The Exemption and conditions of the Exemption may at any time be amended or revoked by LINZ

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 Exemption Holders bought land at 284 Richardson Road, Mount Roskill, Auckland prior to the requirement for consent for residential land. The Crown [His Majesty the King] later purchased the Land for an extension of State Highway 20, under the Public Works Act 1981. The Crown no longer requires the Land and seeks to transfer ownership of it to the Exemption Holders. This is because the Exemption Holders previously held cross-lease interests in the Land and because of the nature of the cross-lease interests in the Land, the Crown could not be expected to sell the Land to an unrelated third party.

Without the Exemption, the transfer of the 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 Applicants have historically held interests in the Land, it is being returned to them to settle a Public Works Act matter, and no consent pathways are available for the land transfer.

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