

DATE: 10 December 2021
TO: Stephanie Frame (Manager, Fast-track Consenting Team)
FROM: Michelle Kemp (Principal Planner, Campbell Brown Planning Limited)
SUBJECT: **FURTHER INFORMATION RESPONSE – WHENUAPAI GREEN**

I am assisting Philip Brown with the preparation of this application. I refer to your written request for further information dated 2 December 2021. Responses to the particular further information requests are set out below. I have also reproduced each request for clarity, numbered and in italics.

1. *How much time do you expect to save by using the FTCA process?*

It is considered that the project would progress considerably faster by using the processes provided by the Covid-19 (Fast-Track Consenting) Act 2020 (FTCA) than would otherwise be the case. At this stage, the Auckland Council's Future Urban Land Supply Strategy 2017 identifies that this land will be released for urban development in the period from 2028-2032 – at least seven years from now. The processes enabled by the COVID-19 Recovery (Fast-track Consenting) Act 2020 would facilitate physical work on the site commencing in 2022.

Were this development to follow the “standard practice” it would require first of all a plan change to rezone the land (15 – 18 months) and then resource consents to provide for this development. If there were appeals to the plan change or subsequent resource consent applications, that would add additional time. It is noted that at present Auckland Council has a 6 week+ delay to simply allocate resource consent applications to a planner for processing. When applications are allocated, the time period for section 88 check has been extended by 10 working days, and the time period for making a decision on notification and on the substantive merits of the application has been extended by 20 working days. In summary a typical/simple consent application is taking up to 90 working days (at a minimum), which does not take into account the additional delays experienced internally with Council specialists and multiple requests for further information.

There will be no adverse consequences of the land being released and developed ahead of the current Auckland Council timing. Services are in place and structure planning has been completed. There is no reason to suggest that the development cannot commence earlier than anticipated by the Council. The applicant will be obliged to pay development contributions to fund the costs of growth and will

be required to upgrade the Totara Road frontage from a rural road standard to an urban standard. The intersection of Totara Road and Brigham Creek Road has already been upgraded and signalised, with additional traffic lanes and cycle lanes.

The Auckland region is experiencing significant housing pressure in terms of both demand and affordability. The proposal will make a valuable contribution to the constrained Auckland housing market by providing approximately 459 houses in a variety of formats and sizes, including smaller terraces that are able to address affordability issues.

These outcomes can be progressed faster and, importantly, with certainty, by using the processes provided by the FTCA. Resource consent for this application will be able to be obtained significantly quicker than it would by utilising the RMA process, especially given the current significant plan change and resource consent processing delays caused by recent alert level changes in Auckland.

Accordingly, construction, employment and provision of housing supply would be provided significantly quicker using this process and at a time when crucially needed to support recovery from the economic and social impacts of COVID-19. The development will directly support the certainty of ongoing investment in Auckland.

2. *Have you received written approval from the New Zealand Defence Force (NZDF), as required by Auckland Council designation 4311? If not, please advise whether the requirement to obtain NZDF approval will prevent, limit or delay project delivery.*

Neil Construction Limited ('NCL') has not obtained formal NZDF approval for changes to land use within the area of the site that is subject to NZDF written approval. Ongoing discussions with NZDF suggest that it is reluctant to provide approval for housing beneath the runway approach path but is comfortable with other uses (such as the proposed school playing fields). A copy of correspondence to that effect is attached at **Appendix A**. That outcome will limit the extent of project delivery to a degree, but will not prevent or delay it.

The extent of the site that is subject to NZDF approval is shown on **Figure 1** below. The impact of that restriction can be determined by accurately transposing the southern extent of the restricted area onto the site masterplan, as illustrated in **Figure 2**.

The implications for the development in terms of loss of dwellings are not severe. For the school option, the absence of NZDF approval would result in the removal of around five dwellings in the area immediately south of the northern corner open space containing the pond. That would make minimal difference to the project yield, being only 1.4% of the 354 dwellings that would otherwise be established.

For the full build-out option, the restriction would remove 22 dwellings. Again, the impact on project yield is not substantial as the deleted dwellings would make up 4.8% of the approximately 459 dwellings that are proposed. Amended masterplans for both options, showing the extent of change if NZDF approval cannot be obtained, are attached at **Appendix B**.

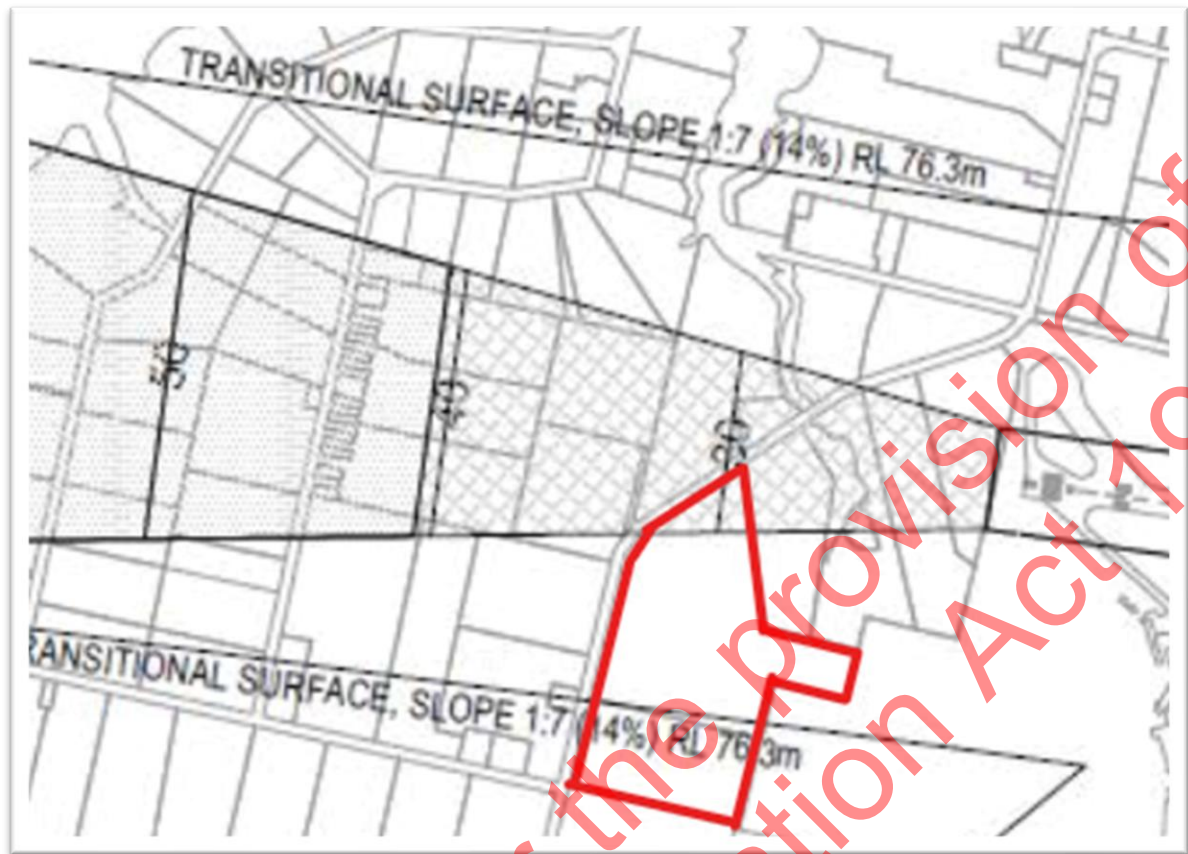


Figure 1: Extent of site that is subject to NZDF approval for changes to land use

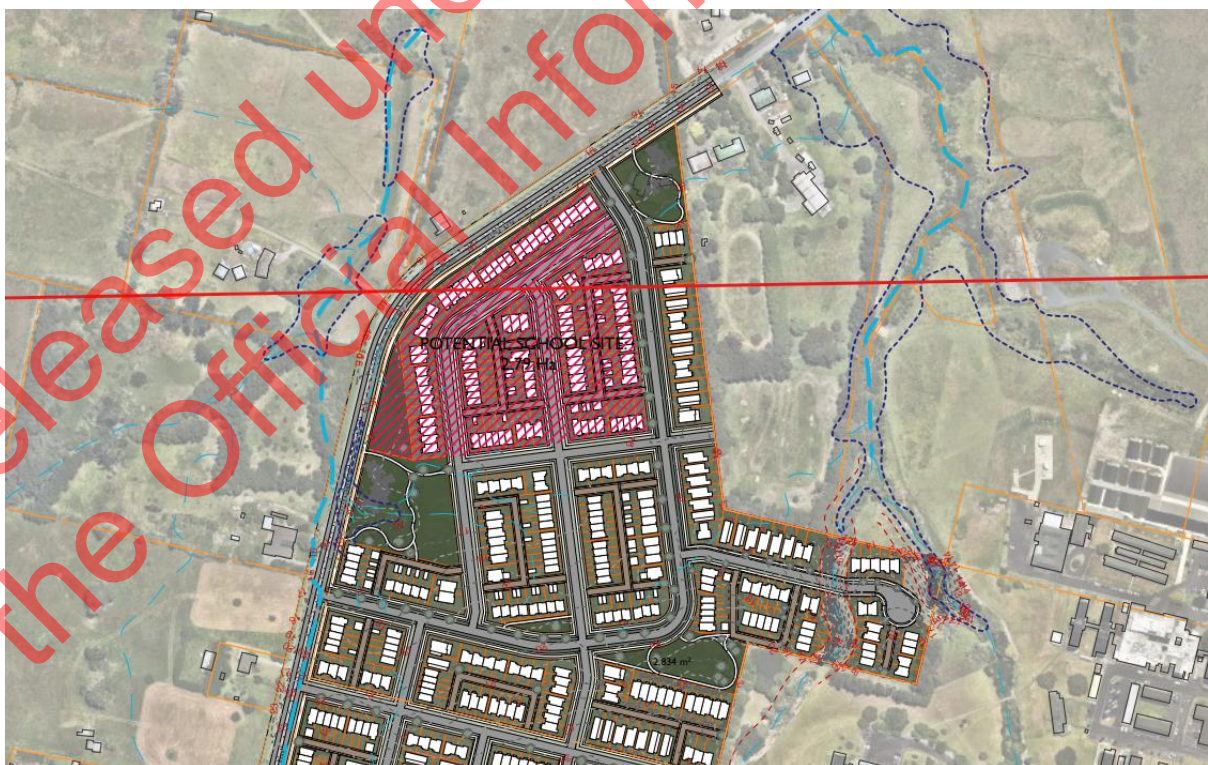


Figure 2: Impact on development from area subject to NZDF approval (north of red line)

NZDF has deferred a formal response until an application for resource consent is being processed, although its position appears to be clear. In the circumstances, NCL seeks the Minister's referral in the current form for approximately 459 dwellings, but noting the likelihood that the ultimate yield might be reduced by either 1.4% or 4.8% depending on the development option that is consented and progressed.

3. *Are any Overseas Investment Office approval/s required for the project to proceed, given that Neil Construction Limited's ultimate holding company is registered overseas? If so, please advise the status of the approval/s.*

See attached at **Appendix C** response from Phil Ainsworth (CEO, Neil Group) which addresses this matter. By way of summary, the Whenuapai Green land will likely come within the requirements of the Standing Consent currently held by the Company and will not therefore require a specific OIO approval. The Company is likely to retain one of the final two transactions allowed for under its current Standing Consent to acquire an interest in the land by way of Joint Venture agreement with Maraetai Land Development Limited (the current owner), although this provision will probably be overtaken by the issuing of the second Standing Consent currently being processed by the OIO.

I trust that this further information is of assistance. Please contact me if any additional clarification is required.



Michelle Kemp
Principal Planner
Campbell Brown Planning Limited

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the Official Information Act 1982

Campbell Brown Planning Limited

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Correspondence with NZDF

From: Davies, Rebecca

Sent: Thursday, 9 December 2021 11:54 a.m.

To: 'David Page' s 9(2)(a)

Cc: Matt Ashworth s 9(2)(a) Owen, Rot s 9(2)(a)

Subject: RE: [NG4520] Whenuapai Green unclassified

Hi David,

As mentioned in our previous discussion, we can currently see no reason why we could not give written approval under the designation for subdivision of Lot 2 DP81411 to separate the portion of the land that is subject to the requirement to obtain NZDF written approval (i.e. the safety zones shown hatched in designation 4311). That should allow Neil Group to proceed with development of the balance of Lot 2 and of Lot 1 DP53052.

However, we confirm our earlier advice that NZDF will not approve any form of development on the land that is subject to the requirement to obtain NZDF written approval if that development is for residential activity or would result in congregations of people. School buildings would not be approved but use of the land as green space should not be problematic.

A further written approval from NZDF will be required for development of the portion of lot 2 that is subject to the requirement to obtain NZDF written approval when it is confirmed how the land will be developed (whether for a school or other purpose).

For reference, the requirement to obtain written approval from NZDF as set out in designation 4311 is below.

1. The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the areas of the designation shown on the planning maps as 'land use and subdivision subject to NZDF approval'. These areas are generally within 1,000 metres of the runways.

Regards,

Rebecca Davies

Principal Statutory Planner, Defence Estate and Infrastructure

Te Ope Kātua o Aotearoa | New Zealand Defence Force

s 9(2)(a)

www.nzdf.mil.nz



A FORCE FOR
NEW ZEALAND

From: David Page s 9(2)(a)

Sent: Wednesday, 8 December 2021 10:25 a.m.

To: Davies, Rebecca s 9(2)(a)

Cc: Matt Ashworth s 9(2)(a)

Subject: [NG4520] Whenuapai Green

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Hi Rebecca,

We have received a request for further information from the MfE in respect to our Fast Track Application and one of the questions raised was about the designation 4311, see below.

2. Have you received written approval from the New Zealand Defence Force (NZDF), as required by Auckland Council designation 4311? If not, please advise whether the requirement to obtain NZDF approval will prevent, limit or delay project delivery.

We are looking at responding to the MfE on this and would like to discuss our response to ensure that it aligns with your view. Can you give me a call to discuss.

Regards

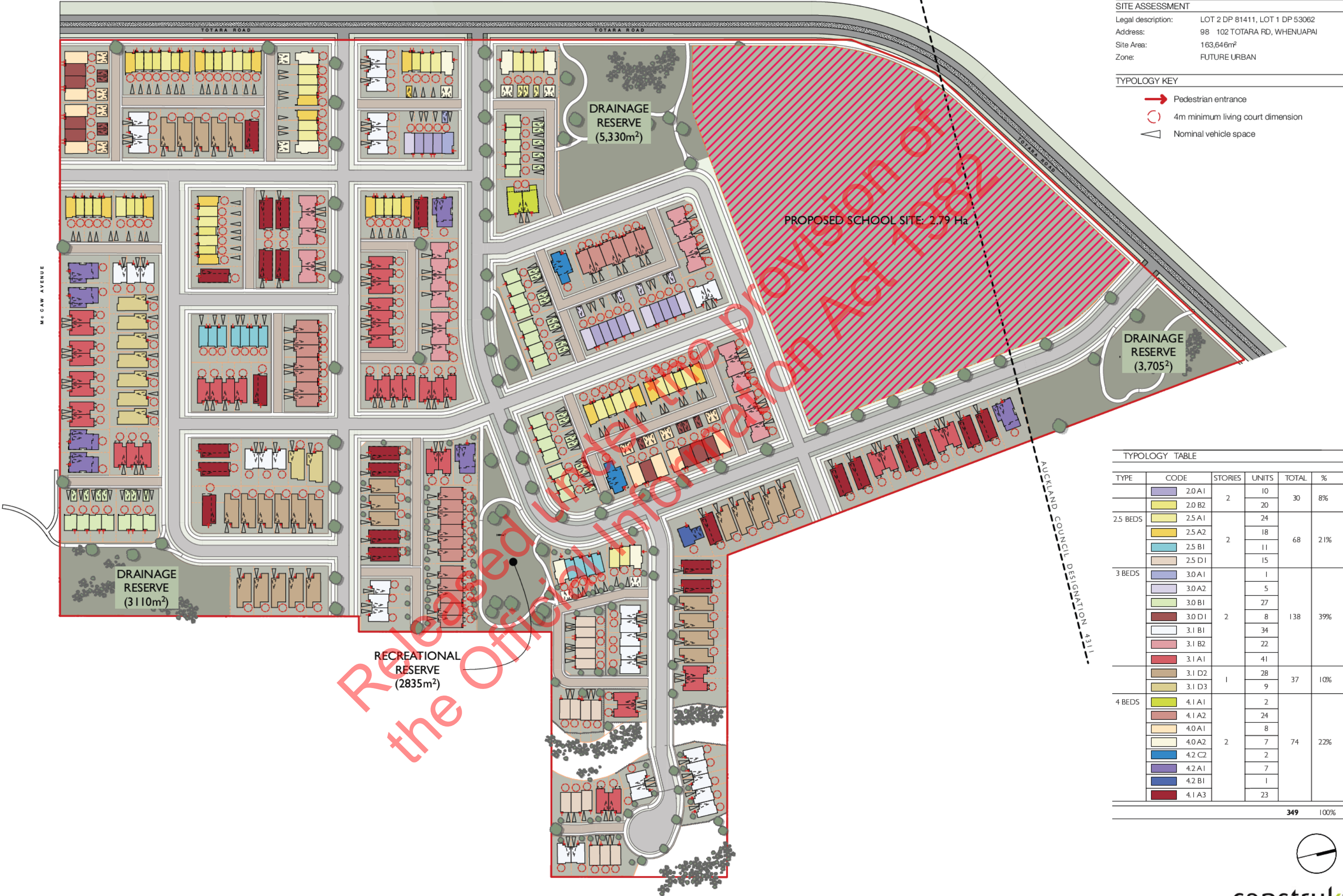
David Page
Senior Development Manager
Neil Construction Limited

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MASTER PLAN - Including School Site

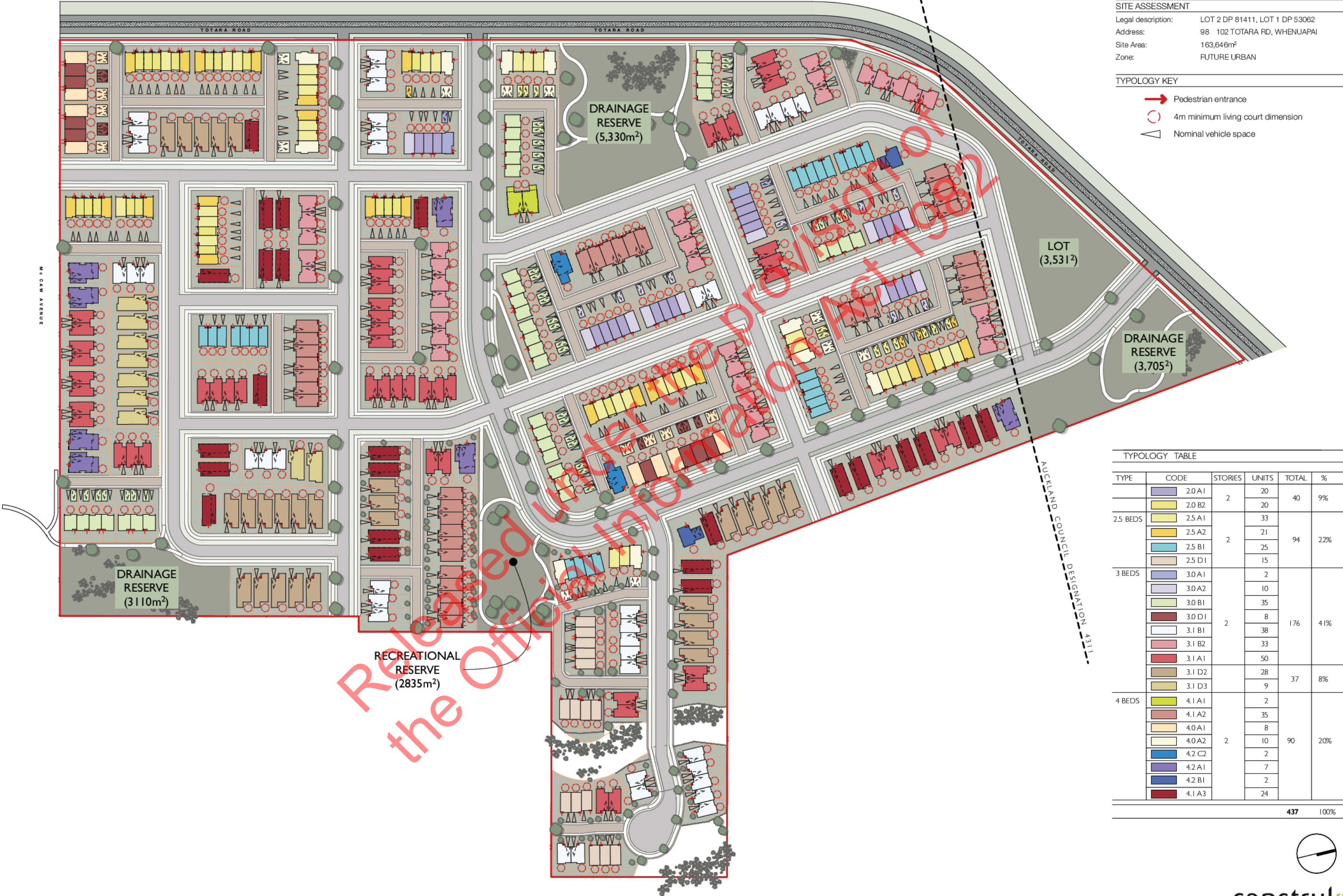


SITE ASSESSMENT	
Legal description:	LOT 2 DP 81411, LOT 1 DP 53062
Address:	98 102 TOTARA RD, WHENUAPAI
Site Area:	163,646m²
Zone:	FUTURE URBAN

TYPOLOGY KEY	
	Pedestrian entrance
	4m minimum living court dimension
	Nominal vehicle space

TYPOLOGY TABLE					
TYPE	CODE	STORIES	UNITS	TOTAL	%
2.5 BEDS	2.0 A1	2	10	30	8%
	2.0 B2		20		
	2.5 A1		24		
	2.5 A2	2	18	68	21%
	2.5 B1		11		
3 BEDS	2.5 D1		15		
	3.0 A1	2	1	138	39%
	3.0 A2		5		
	3.0 B1		27		
	3.0 D1		8		
	3.1 B1		34		
	3.1 B2		22		
4 BEDS	3.1 A1		41		
	3.1 D2	1	28	37	10%
	3.1 D3		9		
	4.1 A1	2	2	74	22%
	4.1 A2		24		
	4.0 A1		8		
	4.0 A2		7		
	4.2 C2		2		
	4.2 A1		7		
	4.2 B1		1		
	4.1 A3		23		
				349	100%

MASTERPLAN - Residential Only



SITE ASSESSMENT
Legal description: LOT 2 DP 81411, LOT 1 DP 53062
Address: 98 102 TOTARA RD, WHENUAPAI
Site Area: 163,646m²
Zone: FUTURE URBAN

- TPOLOGY KEY**
- Pedestrian entrance
 - 4m minimum living court dimension
 - △ Nominal vehicle space

TYPOLOGY TABLE						
TYPE	CODE	STORIES	UNITS	TOTAL	%	
2.5 BEDS	 2.0 A1	2	20	40	9%	
	 2.0 B2		20			
	 2.5 A1	2	33	94	22%	
	 2.5 A2		21			
	 2.5 B1		25			
3 BEDS	 2.5 D1		15	176	41%	
	 3.0 A1	2	2			
	 3.0 A2		10			
	 3.0 B1		35			
	 3.0 D1		8			
	 3.1 B1	2	38			
	 3.1 B2		33			
	 3.1 A1		50			
4 BEDS	 3.1 D2		28	37	8%	
	 3.1 D3		9			
	4 BEDS	 4.1 A1	2	2	90	20%
		 4.1 A2		35		
 4.0 A1		8				
 4.0 A2		10				
 4.2 C2		2				
 4.2 A1		7				
 4.2 B1		2				
	 4.1 A3		24			
			437	100%		

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Further information in respect of The Neil Group Limited and subsidiary companies status under the Overseas Investment Act 2005.

The Neil Group Limited is a 100% owned subsidiary of the Oregon Group Limited which in turn is owned by the Tiong family of Malaysia. The Neil Group Limited was acquired by Oregon Group Limited in 1993 and as the ultimate ownership is offshore it is defined as an Overseas Person for the purposes of the Overseas Investment Act 2005.

Oregon group Limited is the holding company for a number of trading subsidiaries including Ernslaw One Limited, WPI Limited, Innova Products Limited, NZ King Salmon Investments Limited and The Neil Group Limited. Total assets of the Oregon Group stand at around \$2 billion based upon current asset valuations, which include major forest holdings, development property and manufacturing plants.

The Neil Group Limited is primarily involved in land subdivision and has around 1,000 lots, or the equivalent in industrial land, under development at any one time. In addition, the Company holds between 1,500 and 2,000 residential lots as raw land value for its future development pipeline which is being readied for development through planning and design work. As well as buying land for its own developments, the Company also engages with other organisations in Joint Venture land subdivision developments.

The Neil Group Limited holds a Standing Consent from the Overseas Investment Office (OIO) issued in 2019 to acquire, for the development of new housing, land parcels that are not deemed otherwise sensitive under the Act. The Standing Consent allows for up to ten transactions within its three-year life and to date eight of those transactions have been used. A further Standing Consent application has now been lodged with the OIO and is currently being processed. Where land is defined under the Act as being otherwise sensitive then a separate application is lodged with the OIO for the approval to buy such land parcels.

Since the introduction of the OIO Act in 2005 The Neil Group Limited has had all its applications for land acquisitions that required approval, approved by the OIO. The approval process requires the Neil Group to obtain independent certification of the OIO status for any land parcel in which the Company seeks to acquire an interest either by direct acquisition or through a Joint Venture arrangement. The certification determines whether or not the land is sensitive and therefore whether an application is required under the Act.

A summary of the land purchases made by the Company in chronological order is attached for information and highlights both the introduction of the legislation and the changes that have been made to it by way of the approval process (if any) which the Company has had to meet.

The Whenuapai Green project is proposed on land which has been purchased under an unconditional contract by Maraetai Land Developments Limited (MLDL). This is a company which The Neil Group has already completed two joint venture developments with, and which is owned by Chiong Yong Tiong, who is also the CEO of Oregon Group Limited and a Director of The Neil Group Limited.

MLDL is not an Overseas Person under the Act as the shareholding is owned by a New Zealand resident and is therefore not subject to the Act. Where The Neil Group enters into a Joint Venture with MLDL on land which is deemed sensitive, then it will require OIO approval to do so either by relying on its Standing Consent or by applying for a specific consent if the land is deemed to be otherwise sensitive.

An initial assessment of the Whenuapai Green land identifies it as sensitive under the Act as it is described in the valuation role as a 'lifestyle' property. There is also the question as to whether it can be classed as urban land given its current zoning. The land is currently zoned Future Urban under the Auckland Unitary Plan and with the issue of a land use consent for subdivision, urban residential development will be a permitted activity. This which will likely define the land as 'urban land' under the Act. Once the consent issues then an OIO certificate can be sought to confirm the status of the land for OIO purposes.

The Standing Consent which the Company currently holds allows for an interest to be acquired in development land for either increased housing or other normal business use. A copy of the Standing Consent is attached for your information. The Whenuapai Green land will therefore likely come within the requirements of the Standing Consent currently held by the Company and will not therefore require a specific OIO approval. The Company is likely to retain one of the final two transactions allowed for under its current Standing Consent to acquire an interest in the land by way of Joint Venture agreement with MLDL, although this provision will probably be overtaken by the issuing of the second Standing Consent currently being processed by the OIO.

**Schedule of Land Purchases – The Neil Group Limited
As at December 2021**

Residential Subdivisions and Developments			
Subdivision Name	Subdivision Type	Year Purchased	OIO Required
Woodridge Park, Auckland	85 lot residential subdivision	1992	Prior to Overseas Investment Regulations 1996
Unsworth Views, Auckland	180 Lot residential subdivision	1994	Prior to Overseas Investment Regulations 1996
Schnapper Rock Estate, Auckland	192 Lot residential subdivision	1994	Prior to Overseas Investment Regulations 1996
Schnapper Rock Rd Shearwater, Auckland	43 Lot residential subdivision	1994	Prior to Overseas Investment Regulations 1996
Tuscany Estates, Auckland	200 lifestyle lots and 70 Lot residential subdivision	1995	Prior to Overseas Investment Regulations 1996
Golf Park (Botany Road), Auckland	300 lot residential subdivision	1995	Prior to Overseas Investment Regulations 1996
Eastern Beach Oakwood Grove, Auckland	35 lot residential subdivision	1996	Subject to Overseas Investment Commission Approval
Oliver Road, Eastern Beach, Auckland	52 lot residential subdivision	1996	Subject to Overseas Investment Commission Approval
Star of the Sea, Auckland	18 Lot residential subdivision	1996	n/a under 5 hectares and not sensitive
Lincoln Park, Auckland	128 Lot residential subdivision	1997	Subject to Overseas Investment Commission Approval
Halswell - Christchurch	350 Lot residential subdivision	1999	Subject to Overseas Investment Commission Approval
Swanson Downs, Penihana, Auckland	350 lot residential subdivision	1999	Subject to Overseas Investment Commission Approval

Lake Panorama, Auckland	365 lot residential development	2000	Subject to Overseas Investment Commission Approval
Pigeon Mountain Block, Pakuranga	49 lot residential subdivision	2000	Subject to Overseas Investment Commission Approval
Metcalf Road, Henderson, Auckland	131 Lot residential subdivision	2002	Subject to Overseas Investment Commission Approval
Albany Springvale Park, Auckland	127 Lot residential subdivision	2003	Subject to Overseas Investment Commission Approval
Plateau Heights Tauranga	302 Lot residential subdivision	2003	Subject to Overseas Investment Commission Approval
Ellington Park, Hills Road, Christchurch	103 Lot residential subdivision	2005	OIO consent granted # 200520104
Annandale Park Tauranga	157 Lot residential subdivision	2005	n/a not sensitive land
Major Hornbrook Road, Mt Pleasant Christchurch	24 Lot residential subdivision	2005	OIO consent granted # 200520099
7 Babich Road, Henderson, Auckland	18 Lot residential subdivision	2005	OIO consent granted # 200520085
Omokoroa, Bay of Plenty	300 Lot residential subdivision	2006	OIO consent granted # 200620049
108 Simpson Road, Auckland	29 lot residential subdivision	2006	OIO consent granted # 200620048
Robinia Place, Snells Beach	48 Lot residential subdivision	2006	OIO consent granted # 200620040
O'Neills Road Henderson	35 Lot residential subdivision	2007	n/a not sensitive land
Lauriston Park Retirement Village	149 residential dwellings plus community facilities	2007	OIO consent granted # 200710032
Tubbs Estate, Lifestyle development, Kerikeri	200 Lot lifestyle subdivision	2007	OIO consent granted # 200720063
249 Ormiston Road, East Tamaki	84 Lot residential subdivision	2008	n/a not sensitive land
Taylor Block, Snells Beach	65 Lot residential subdivision	2008	OIO consent granted # 200810002

Burford Place / Mellons Bay/ Bleakhouse Rd	7 Lot residential subdivision	2012	n/a not sensitive land
Point View Drive	8 Lot residential subdivision	2013	n/a not sensitive land
Wright Block Maraetai	111 Lot residential subdivision	2014	n/a not sensitive land
Matua Road, Huapai	48 Lot residential subdivision	2014	n/a not sensitive land
5A Scott Road Hobsonville	100 lot residential subdivision including 50 medium density residential dwellings	2014	n/a not sensitive land
Brighams Creek Road & Kauri Road, Auckland	200 lot residential subdivision	2014	n/a not sensitive land
Huka Falls Road Taupo	62 Lot residential subdivision	2016	n/a not sensitive land
Calvert Block, Swanson, Auckland	210 Lot residential subdivision including 30 mixed density residential dwellings	2016	n/a not sensitive land
21 Pyes Pa Road Tauranga	51 lot residential subdivision	2016	n/a not sensitive land
187 Flat Bush School Road, Auckland	30 lot residential subdivision	2016	n/a not sensitive land
Hood Block, Totara Road Whenuapai	50 lot residential subdivision	2017	n/a not sensitive land
Green Block ,68 Totara Road, Whenuapai	50 Lot residential subdivision	2017	n/a not sensitive land
51 McQuoids Road, Flat Bush, Auckland	40 lot residential subdivision	2017	n/a not sensitive land
61 McQuoids Road, Flat Bush, Auckland	62 lot residential subdivision	2017	n/a not sensitive land
Maraetai School Road, Maraetai	JV development with MLDL for 69 lot residential subdivision	2018	n/a not sensitive land
51A McQuoids Road, Flat Bush, Auckland	28 lot residential subdivision	2018	n/a not sensitive land
Tauhara Ridge, Taupo	90 lot residential subdivision	2018	n/a not sensitive land
Kauri Road, Whenuapai, Auckland	JV development with MLDL for 80 lot residential subdivision	2018	n/a not sensitive land
109 Beachlands Road, Beachlands	241 lot residential subdivision	2019	Standing consent

455 Whangaparao Road, Whangaparaoa	29 lot residential subdivision	2019	OIO consent granted
47 McQuoids Road, Flat Bush, Auckland	36 Lot residential subdivision	2020	OIO consent granted
Tauhara Ridge, Taupo	Additional land	2020	OIO Standing consent
49 McQuoids Road, Flat Bush, Auckland	20 lot residential subdivision	2021	OIO Standing consent
118 Prole Road, Omokoroa, Bay of Plenty	20 lot residential subdivision	2021	OIO Standing consent
62 Prole Road, Omokoroa, Bay of Plenty	94 lot residential subdivision	2021	OIO Standing consent
423 Omokoroa Road, Omokoroa, Bay of Plenty	48 lot residential subdivision	2021	OIO Standing consent
11 Kauri Road, Whenuapai, Auckland	Single house lot	2021	OIO Standing consent
Commercial and Industrial Subdivisions and Developments			
The Albany Centre	130-hectare subdivision of the regional centre at Albany including retail, commercial, office and residential development	1993	n/a
North Harbour Industrial Estate	35 Hectare industrial subdivision in addition to industrial building development work	1993	n/a
Unsworth Commercial Centre	Retail centre development	1994	n/a
Apollo Park	12-hectare industrial subdivision	1999	Subject to Overseas Investment Commission Approval
Albany Heights Business Park	Completed industrial subdivision	2001	n/a not sensitive land
Puhinui Drive	Retail centre development	2005	n/a not sensitive land
Aviemore Drive	Retail centre development	2005	n/a not sensitive land
Antares Place	Retail centre development	2005	n/a not sensitive land
Whangarei Town Basin	9,000 m2 commercial development site	2006	n/a not sensitive land

8 Nugent Street	Mixed use development comprising 9,000 m2 of A Grade office space, convenience retail, 600 car parking station and 148 residential apartments	2006	n/a not sensitive land
Hobsonville Workspace	19 Hectare industrial subdivision	2014	n/a not sensitive land
Northside Drive Westgate	9-hectare industrial subdivision	2014	n/a not sensitive land
69 Trig Road, Whenuapai, Auckland	6-hectare industrial subdivision	2019	OIO consent granted
155-157 Brigham Creek Road, Whenuapai, Auckland	3.6-hectare industrial subdivision	2019	OIO consent granted
149-151 Brigham Creek Road, Whenuapai, Auckland	6-hectare industrial subdivision	2109	OIO consent granted
71 Trig Road, Whenuapai, Auckland	7-hectare industrial subdivision	2021	OIO Standing consent
94 Trig Road, Whenuapai, Auckland	3.5 hectare industrial subdivision	2021	OIO Standing consent

Standing Consent for Overseas Person to Acquire Residential (but not otherwise sensitive) New Zealand Land

Read this consent carefully - you must comply with all the conditions. If you do not, you may be required to dispose of the Land and/or be subject to fines or other penalties.

Consent

Decision date: 6 September 2019

The following people have been given the following **Standing Consent**:

Case	201900072
Consent type	Standing Consent under s23A (increased housing test, non-residential use test).
Consent	The Consent Holder may acquire residential (but not otherwise sensitive) land (Land) through up to 10 transactions by the Use-By date.
Consent Holder/s	The Consent Holder is: (a) The Neil Group Limited (company number 72156); and (b) Any 100% owned subsidiary of The Neil Group Limited. (You or the Consent Holder)
Use-by Date	1 September 2022 (being approximately three years from the grant of this Standing Consent)

Conditions

Your Consent is subject to the special conditions, standard conditions and reporting conditions (**Conditions**) set out below. You must comply with them all. Be aware that if you do not comply with the Conditions you may be subject to fines or other penalties, and you may also be required to dispose of the Land.

In the Consent and the Conditions, we refer to the Overseas Investment Office as **OIO, us or we**.

Special conditions

You must comply with the following special conditions. These apply specifically to this Consent and include conditions that we must impose under the Act.

Definitions

Act means Overseas Investment Act 2005

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.

Details	Required date
Special condition 1: Nature of Land to be acquired	
Number of transactions	
You may give effect to up to 10 transactions that give effect to overseas investments in Land.	Before the Use-By date
Land size	
You may obtain interests in Land up to a total of: (a) 400 hectares (in total); and (b) 40 hectares per transaction.	Before the Use-By Date
Geographic area	
There are no territorial or geographic area limitations.	
Disposal	
If you do not comply with this special condition, standard condition 5 will apply and we may require you to dispose of Land acquired in breach of this condition. For the avoidance of doubt, we will not require you to enter a security deed as described in standard condition 5 prior to acquisition of any Land.	
Special condition 2: Increased housing / non-residential use outcomes	
You must use any Land acquired under this Standing Consent:	At all times

(a) to increase the number of residential dwellings constructed on the Land or for development works to support such construction; or (b) for non-residential purposes in the ordinary course of business. If you do not, standard condition 5 will apply and we may require you to dispose of Land acquired under the Standing Consent.	
Special condition 3: On-sale outcome	
You must sell any dwelling unless it is being used as a show home or agreed otherwise with the OIO. You must on-sell all interests in the Land acquired under the Standing Consent. If you do not, standard condition 5 will apply and we may require you to dispose of Land acquired under the Standing Consent.	Within 18 months of the dwelling being completed. Within 10 years of the date of acquisition.
Special condition 4: Non-occupation outcome	
Prior to you disposing of the Land, none of the following people may occupy the Land acquired under the Standing Consent: (a) You. (b) Any overseas person with a 25% or more ownership or control interest in any of the people in (a). (c) Any overseas person who occupies the Land other than on arm's length terms¹. (d) Any overseas person who has a beneficial interest in, or beneficial entitlement to, the relevant interest in the Land. (e) If (a) is a trust, any beneficiary (direct or indirect) who may benefit under the trust at the trustees' discretion. If any such persons do occupy Land acquired under the Standing Consent for residential purposes, standard condition 5 will apply and we may require you to dispose of that Land.	While you, or any of the people outlined in paragraphs (b) to (e), has any relevant interest in the Land
Special condition 5: Notice of individual acquisitions	

¹ 'At arms length terms' has the meaning in clause 17, Part 5, Schedule 2 of the Overseas Act 2005. In summary it means terms, for example under a lease (or other contract), that are on a reasonable commercial basis.

You must notify us of each transaction settled under this Standing Consent (**Notice**).

Each Notice must include:

- a) the date you acquired the Land (Settlement),
- b) consideration paid (plus GST if any),
- c) the structure by which the acquisition was made and who acquired the Land,
- d) copies of any transfer documents and Settlement statements,
- e) a current and historical copy of the record of title for each parcel of Land acquired,
- f) a land status certificate including a map of the location, cadastral map, and aerial photo identifying the Land,
- g) details of all previous Land acquired under this Standing Consent and the total amount of area acquired to date, and
- h) identify the development the Land relates to.

Each Notice must also include (unless the OIO agrees otherwise) a development plan for the Land which includes information identifying:

- a) the stages of the development; and
- b) the areas which are to be used for increased housing and non-residential use.

If you do not, standard condition 5 will apply and we may require you to dispose of Land acquired under the Standing Consent.

As soon as you can, and no later than one month after Settlement

Special condition 6: Milestones

You must **complete** the following milestones with regard to each development:

Milestone condition	Date for completion
Submission of resource consent for subdivision development if required.	18 months from date of acquisition of the last land required for a development.
Commencement of construction of earthworks on the first stage of the land/other development work if required.	12 months from date of obtaining resource consent.
Separate titles issued for first stage of development.	36 months from date of obtaining resource consent.
First sections marketed for sale or first building consents lodged for housing construction for the first dwellings.	6 months following titles being issued.

Complete first dwellings.

18 months from the date building consent is obtained or titles issued (whichever is the later).

If you do not, standard condition 5 will apply and we may require you to dispose of the Land.

Standard conditions

You must also comply with the **standard conditions** set out below. These apply to all overseas people who are given consent to acquire sensitive New Zealand land, including you:

Details	Required date
Standard condition 1: acquire the land under this Standing Consent	
You must acquire any land under this Standing Consent: - by the Use-By date stated in the Standing Consent. If you do not, your Standing Consent will lapse or become invalid and you must not acquire any land in reliance upon it, and - using the acquisition, ownership and control structure you described in your application. Note, only you – the named Consent Holder - may acquire the land, not your subsidiary, trust or other entity.	As stated in the Consent
Standard condition 2: allow us to inspect any land acquired under this Standing Consent	
Sometimes it will be helpful for us to visit the land so we can monitor your compliance with the Conditions. We will give you at least two weeks' written notice if we want to do this. You must then: - Allow a person we appoint (Inspector) to: - enter onto the land, including any building on it, other than a dwelling, for the purpose of monitoring your compliance with the Conditions (Inspection), - remain there as long as is reasonably required to conduct the Inspection, - gather information,	At all times

(d) conduct surveys, inquiries, tests and measurements, (e) take photographs and video records, and (f) do all other things reasonably necessary to carry out the Inspection. 2. Take all reasonable steps to facilitate an Inspection including: (a) directing your employees, agents, tenants or other occupiers to permit an Inspector to conduct an Inspection, (b) being available, or requiring your employees, agents, tenants or other occupiers to be available, at all reasonable times during an Inspection to facilitate access onto and across the land. This includes providing transport across the land if reasonably required. During an Inspection: (a) we will not compel you and your employees, agents, tenants or other occupiers to answer our questions or to let us look at, copy or take away documents, (b) our Inspector will comply with any reasonable instruction and co-operate with any reasonable health and safety policy or procedure you notify to us before the Inspection.	
Standard condition 3: remain of good character	
You and the Individuals Who Control You: 1. must continue to be of good character, and 2. must not become an individual of the kind referred to in section 15 or section 16 of the Immigration Act 2009. In summary, these sections describe convicted or deported people who are not eligible for visa or entry permission to enter or be in New Zealand and people who are considered likely to commit an offence or to be a threat or risk to security, public order or the public interest. The Individuals Who Control You are individuals who: (a) are members of your governing body, (b) directly or indirectly, own or control 25% or more of you or of a person who itself owns or controls 25% or more of you, and (c) are members of the governing body of the people referred to in paragraph (b) above.	At all times

Standard condition 4: tell us about changes that affect you, the people who control you, or people you control

You must tell us in writing if any of the following events happens to any of the Consent holders:

Within 20 working days after the change

1. You, any Individual Who Controls You, or any person in which you or any individual who controls you hold (or at the time of the offence held) a 25% or more ownership or control interest commits an offence or contravenes the law anywhere in the world. This applies whether or not you or they were convicted of the offence. In particular, please tell us about any offences or contraventions that you are charged with or sued over and any investigation by enforcement or regulatory agencies or professional standard bodies.
2. An Individual Who Controls You ceases to be of good character; commits an offence or contravenes the law (whether they were convicted or not); becomes aware of any other matter that reflects adversely on their fitness to have the land; or becomes an individual of the kind referred to in section 15 or 16 of the Immigration Act 2009 (see Standard condition 3).
3. You cease to be an overseas person or dispose of all or any part of the land.
4. You, any Individual Who Controls You, or any person in which you or any Individual Who Controls You hold (or at the time of the event held) a 25% or more ownership or control interest:
 - (a) becomes bankrupt or insolvent;
 - (b) has an administrator, receiver, liquidator, statutory manager, mortgagee's or chargee's agent appointed; or
 - (c) becomes subject to any form of external administration.
5. The beneficial ownership of Callander Group Limited changes from that set out below:
 - (a) Tiong Hiew King (32.5%)
 - (b) Tiong Thai King (13.5%)
 - (c) Tiong Kiong King (13.5%)
 - (d) Tiong Ik King (13.5%)
 - (e) Estate Tiong Kiu King (13.5%)
 - (f) Estate Tiong Yung King (13.5%)
6. Callander Group Limited issues any additional registered and/or bearer shares including the number of shares and the holders of any such shares.

Standard condition 5: dispose of land if you do not comply with key special conditions

Some of the special conditions were key to the decision to give consent. If we consider you have failed to comply with one of those special conditions in a material way we may require you to dispose of the land.

We may also require you to execute a security deed before you may acquire land. The security deed:

1. must be in the form we require,
2. must be executed and delivered to us before you acquire land,
3. gives us power to appoint a receiver to dispose of land if you do not do that as required by this Standard condition 5,
4. will provide, among other things, that if we appoint a receiver, the receiver may dispose of land, deduct his or her costs from the proceeds of sale, and pay the remainder to you.

If all or part of this standard condition 5 applies to a special condition, we have said so in that condition.

We will give you written notice if we require you to dispose of land. After we have given you notice, you must:

Value the land: obtain and send us a copy of a market valuation of the land from a New Zealand registered valuer.

Within six weeks of the date of our notice.

Market the land: instruct a licensed real estate agent to actively market the land for sale on the open market.

Within six weeks of the date of our notice.

Dispose of the land: dispose of the land to a third party who is not your associate.

Within 18 months of our notice.

Offer without reserve: offer the land for sale by auction or tender without a reserve price or minimum bid and dispose of the land.

Within 18 months of our notice.

Report to us about marketing: tell us in writing about marketing activities undertaken and offers received for the land.

By the last day of every March, June, September and December after our notice or at any other time we require.

Report disposal to us: send us, in writing, evidence: (a) that you have disposed of the land, (b) of disposal (including copies of sale and purchase agreements, settlement statements and titles showing the purchaser as registered proprietor), (c) the purchaser is not your associate.	Within one month after the land has been disposed of.
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Reporting conditions

We need information from you so we can monitor your progress against the Conditions. The reports must be sent to oiomonitoring@linz.govt.nz. You must:

1. notify us of each transaction settled under this Standing Consent as set out in special condition 5 as soon as you can, and no later than one month after Settlement; and
2. report to us annually (by 31 August each year) about your progress on implementing the milestones set out in special condition 6 for each development.
3. if requested in writing by the OIO, the Consent 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 and notified by the regulator as having been taken into account when the consent was granted; or
 - (b) the conditions of this Standing Consent.