

Our Ref: 201620054

4 November 2016

Michelle Bartlett

**BY EMAIL**

Dear Michelle

**OFFICIAL INFORMATION ACT REQUEST**

1. I refer to your email of 14 October 2016 requesting under the Official Information Act 1982 (OIA):

- (a) The number of applications to acquire land on Waiheke Island approved and declined in the last 10 years
- (b) Details on the approval granted to James Rudolph Baron Palumbo of Southwark (Lord Palumbo)'s acquisition of 26.9954ha at 609A & 609B Orapiu Road, Waiheke Island including whether the offer to sell seabed/foreshore to the Crown was instrumental in the application being approved and at what stage in the process is the offer to sell seabed/foreshore to the Crown at.
- (c) What proportion of offers to sell riverbed/seabed or foreshore to the Crown which were included in successful applications were taken up by the Crown and the transfers effected?
- (d) What is the total amount earned in application revenues by the OIO in the past 12 months?
- (e) How does the OIO check the viability - and longevity - of any undertakings which are given during the application process?
- (f) Has any application been received by the OIO in respect of 341 Gordons Road, Waiheke

2. In terms of your request I respond as follows:

- (a) Consent has been granted to 7 applications to acquire land on Waiheke Island over the last 10 years, while no applications have been declined. The following links to our website provide further information in relation to those applications.

<http://www.linz.govt.nz/regulatory/overseas-investment/decision-summaries-statistics/2007-03/200710028>

<http://www.linz.govt.nz/regulatory/overseas-investment/decision-summaries-statistics/2011-11/200821550>

<http://www.linz.govt.nz/regulatory/overseas-investment/decision-summaries-statistics/2009-09/200910130>

<http://www.linz.govt.nz/regulatory/overseas-investment/decision-summaries-statistics/2009-12/200920021>

<http://www.linz.govt.nz/regulatory/overseas-investment/decision-summaries-statistics/2015-06/201510054>

<http://www.linz.govt.nz/regulatory/overseas-investment/decision-summaries-statistics/2015-12/201520051>

<http://www.linz.govt.nz/regulatory/overseas-investment/decision-summaries-statistics/2016-07/201610053>

- (b) We attach a copy of the OIO Report and the Notice of Decision relating to Lord Palumbo's acquisition of 26.9954ha at 609A & 609B Orapiu Road, Waiheke Island. You will note that some information has been withheld. That information has been withheld under section 17 of the OIA, as we consider that good reason for the withholding of the information exists under section 9(2)(a) of the OIA.
- (c) Of the 7 applications for consent to acquire land on Waiheke Island only Lord Palumbo's acquisition required the vendor to offer to sell seabed or foreshore (special land) to the Crown. The process of offering special land to the Crown involves a two step process. First, the Vendor offers the land to the Crown. Secondly, the Crown then decides whether or not it wishes to acquire the land, and if it does, makes the acquisition. Only the first step needs to be completed before an application for consent is decided. It is important to note that under the Overseas Investment Act, it is a criterion of consent that the special land be offered up. It is not necessary for the Crown to acquire the special land before consent is granted. In this case, a separate report setting out whether the Crown should acquire the special land will be prepared in due course. In the interim, a consent condition is imposed requiring the consent-holder to deal with the Crown in accordance with the Overseas Investment Regulations, including requiring the consent-holder to be bound by any arrangement that the vendor entered into with the Crown in relation to the special land (preserving the Crown's position). Please see the attached Notice of Decision for details of the conditions of consent.
- (d) In the 2015/16 financial year the OIO received application fees totalling \$2,821,148.
- (e) In relation to your question concerning monitoring, all consents granted are subject to conditions, which can include the requirement to report annually on the implementation of the business plan that was submitted as part of the application. The attached Notice of Decision shows how the OIO monitors the undertakings that are given during the application process to ensure those plans and representations are implemented. The Ministerial Directive letter (paragraphs 13 to 16 inclusive) outlines the approach the OIO is directed by the Government to take in relation to post consent monitoring. See: [http://www.linz.govt.nz/system/files/force/media/doc/oio\\_ministerial-directive-letter\\_20101208.pdf?download=1&download=1](http://www.linz.govt.nz/system/files/force/media/doc/oio_ministerial-directive-letter_20101208.pdf?download=1&download=1)
- (f) From a search of our database it does not appear that we have received any application in respect of 341 Gordons Road, Waiheke.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Pete Hill', with a stylized, cursive script.

Pete Hill  
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Overseas Investment Office

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