

7. Therefore our view is that NZ Binxi is also in breach of conditions 5 and 7 which required the development to begin by 10 May 2018 (the staff accommodation) and 10 May 2019 (the office). As the development has not occurred in accordance with the representations made at the time of NZ Binxi's application, we asked NZ Binxi to consider voluntarily disposing of the land. While the OIO's view is that NZ Binxi remains in breach of its conditions we are not minded to pursue disposal at this time. We do, however, expect that the development will be completed by 10 May 2021 in accordance with condition 6 and 8.
8. However we are issuing this compliance letter noting our concerns above and require going forward that NZ Binxi report on, and provide evidence of, progress made towards the development in 6 monthly² increments as follows:
 - (a) On receipt of this letter please confirm who will be undertaking the development work and a firm timeline for completing the development works.
 - (b) By the date of the next annual report – 30 October 2019 – provide an update on the development accompanied by photographic evidence.
 - (c) By 31 May 2020 provide a further report on the progress of the development accompanied by photographic evidence.
 - (d) By 30 October 2020 provide a further report on the progress of the development accompanied by photographic evidence.
 - (e) By 31 May 2021 provide a further report on the progress of the development accompanied by photographic evidence.
 - (f) By 30 October 2021 provide a final report with photographs of the completed development along with the name, role and employment contract of the person employed as required by condition 9.
9. Please ensure the reports detailed above are received on time as late reporting may attract a \$500 administration penalty.
10. Also should it become clear to us that the development has not started, or has not progressed sufficiently within the required timeframes we will consider stronger enforcement action as signalled in our letter dated 6 March 2019 - this could include seeking a court order for disposal of the land.
11. Finally, we remind NZ Binxi that it is a privilege for overseas persons to own sensitive land in New Zealand.

Yours sincerely

s9(2)(a)

Gary Bailey
Senior Investigator
Overseas Investment Office
DDI: +64 4 831 1666
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s9(2)(a)

Anna Sinclair
Senior Solicitor
Overseas Investment Office
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² We rely on conditions 11 and 13 for this increased monitoring of NZ Binxi. We reserve the right to issue notices under section 38 or 40.

Information in and attached to this report may be legally privileged

Triage Report – Monitoring Incident

201610121 – NZ Binxi (Oamaru) Foods Limited

Key information

Incident date	4/11/2019
Triage date	12/11/2019
Referral person	William Phillips
Suspected breach type	Failure to comply with Enforcement Letter

Details of asset and date consented

1. On 10th November 2016 NZ Binxi were granted OIO approval to purchase 5.38 hectares of land at 10 Shortland Road, Oamaru. The purchasing amount was recorded as \$580,000 NZD.
2. The property was adjacent to a recently purchased processing plant land. At the time of purchase the location contained a single dwelling and an unused woolshed. At the time of consent the applicant proposed to:
 - (a) refurbish or rebuild the woolshed into a head office from which the Applicant will coordinate its wider business interests, including the Trading Subsidiary;
 - (b) redevelop the dwelling to make it available as staff accommodation for employees of the Trading Subsidiary.

Consent holder

3. The consent holder is a New Zealand limited liability company incorporated under the name "NZ Binxi (Oamaru) Foods Limited". This company is a 100% subsidiary of Heilongjiang Binxi Cattle Industry Co Limited, a company incorporated in China.
4. The purchase of the 10 Shortland Road was NZ Binxi's second purchases through the OIO's regulatory regime.

201520010 – NZ Binxi acquires an additional 75.8% interest in Lean Meats Oamaru

5. On 1 December 2015 NZ Binxi received OIO consent to acquire an additional 75.8% interest in Lean Meats Oamaru for a reported price of \$5,000,000 NZD. 10 Shortland Road is adjacent to the main processing factory acquired in this 2015 transaction.
6. From the first annual report for the Lean Meats Oamaru purchase compliance issues arose due to a failure to meet stock targets. This non-compliance ultimately led to a variation in consent, where employment, additional investment, increased processing conditions were altered, and the increased export condition was removed.

Information in and attached to this report may be legally privileged

Brief summary of information reviewed/inquiries made

7. The Shortland Road consent has been the subject of five separate investigations from the OIO from 2018 to 2019. The office has conducted a site visit to the location and held substantial correspondence with NZ Binxi.
8. The most recent and relevant correspondence was on 14th June 2019 when NZ Binxi was sent a letter from OIO Enforcement outlining compliance issues and ways forward (attached as appendix two).
9. In response to the Enforcement Letter and 2019 annual reporting requirements NZ Binxi has provided the attached annual reporting (appendix three). The majority of this information is conceptual plans, with one blurry aerial photo provided. Therefore, NZ Binxi has failed to comply with the direction of the 2019 Enforcement Letter.

Assessment

10. On the basis of the information currently available:

Question	Y/N	Basis for answer
Does there appear to have been a breach of a condition of consent?	N	Failure to comply with the direction outlined in the Enforcement Letter dated 14 June 2019.
Is the breach likely to impact on the delivery of key benefits/commitments?	Y	Benefits from consent already reduced with worker accommodation removed. Office building last remaining benefit for this particular consent.
Is the Incident within the limitation period?	Y	Yes.
Is the investor complying with the other conditions of this consent?	Y	Yes, detailed above. Five investigations.
Has the investor complied with their OIO obligations generally?	Y	No, detailed from 7-9.
Is there another regulatory or disciplinary body that has more appropriate jurisdiction or powers than the OIO to consider this?	N	N/A

Recommendation

11. Based on my review of the information, I recommend:

Recommendation	Tick	Basis for answer
The Incident progress to Assessment phase. <i>[This may be recommended where we need further information or a further assessment of the potential breach is required].</i>	✓	<i>Include brief reason for assessing further, including what further steps/information may be required.</i>
No further action be taken and the Incident be closed		<i>Include brief reason for closing.</i>
An Enforcement Tool be deployed and then the Incident be closed		<i>Include brief reason for deploying a tool. Refer Resource 6, Appendix 1 Enforcement Manual.</i>

Information in and attached to this report may be legally privileged

s9(2)(a)

Pedro Morgan/Sarah Scott
Principal Advisor Enforcement

Agree:
Disagree:
Amend as marked:

Date:

12/11/19

s9(2)(a)

Jeremy Ford
Manager Enforcement

Agree:
Disagree:
Amend as marked:

Date:

12/11/19

Notes for Assessment Team [Screening Group to complete]

Questions	Notes
Assessment team member(s)	Rachel.
Date to report back to Screening Group (20 working days)	
Comments or guidance on areas to review	

APPENDIX ONE

Released under the Official Information Act 1982

Decision Date

10 November 2016

Decision

Consent has been granted for NZ Binxi (Oamaru) Foods Limited (or Lean Meats Oamaru Limited or Oamaru Meats Limited) to give effect to an overseas investment in sensitive land, being the acquisition of a freehold interest in approximately 5.3806 hectares of land at 10 Shortland Road, Oamaru North.

Only the named consents holder(s) may give effect to the investment, not a subsidiary of the consent holder, a trust, or other entity.

Consent is granted subject to the following conditions:

Statutory Conditions of Consent

Section 28 of the Overseas Investment Act 2005 ("the Act") provides that it is a condition of every consent, whether or not it is stated in the consent, that:

- (a) the information provided by each applicant to the Overseas Investment Office or the relevant Ministers in connection with the application was correct at the time it was provided; and
- (b) each consent holder must comply with the representations and plans made or submitted in support of the application and notified by the Overseas Investment Office as having been taken into account when the consent was granted, unless compliance should reasonably be excused.

For the purposes of section 28(1)(b), the representations and plans made or submitted in support of the application and taken into account when consent was granted are those contained in the correspondence listed in the statutory declaration of Richard James Thorp dated 10 October 2016 and in all attachments annexed to that correspondence.

Special Conditions

Interpretation

Any term or expression that is defined in the Overseas Investment Act 2005 and used, but not defined, in this consent has the same meaning as in the Overseas Investment Act 2005.

Act means the Overseas Investment Act 2005.

Application Letter means the application letter dated 24 June 2016.

Business Plan means the business plan set out in Appendix 8 of the Application Letter.

Consent Holder means NZ Binxi (Oamaru) Foods Limited (or Lean Meats Oamaru Limited or Oamaru Meats Limited).

Individuals with Control means:

- (a) the individuals who have, directly or indirectly, a 25% or more ownership or control interest in the Consent Holder or a Parent of the Consent Holder; and

- (b) the members of the governing body of the Consent Holder or a Parent of the Consent Holder; and
- (c) includes, for the avoidance of doubt, the members of the governing body of NZ Binxi (Oamaru) Foods Limited, Heilongjiang Binxi Cattle Industry Co Limited and Zhlyun He.

Inspector means a person appointed by the Regulator to undertake an Inspection on the Regulator's behalf.

Inspection means a visit to a property by an Inspector for the purpose of monitoring these conditions.

Investment means the Land.

Land means approximately 5.3806 hectares of land at 10 Shortland Road, Oamaru North being all of the land contained in Certificate of Title 440536.

OIO means the Overseas Investment Office.

Parent of Consent Holder means a person that has, directly or indirectly, a 25% or more ownership or control interest in the Consent Holder, and includes a person that has, directly or indirectly, a 25% or more ownership or control interest in any Parent of the Consent Holder.

Regulations means the Overseas Investment Regulations 2005.

Settlement Date means the date the acquisition of the Investment took place.

Special Conditions

When the transaction must be given effect to

1. The consent will lapse if the Investment has not been acquired by and transferred to the Consent Holder within 12 months of the date of consent.

Good character

2. The Individuals with Control must:
 - (a) continue to be of good character; and
 - (b) not become an individual of the kind referred to in section 15 or 16 of the Immigration Act 2009.

Resource consents

3. Within 6 months from the date of consent, the Consent Holder must apply for resource consent (**Resource Consent**) to change the zoning of the Target Land to allow the development of staff accommodation and a dwelling to take place in accordance with the Business Plan.
4. The Consent Holder must use all reasonable commercial endeavours to obtain the resource consent.

Requirement to develop staff accommodation

5. Within 1 year from the date that Resource Consent is granted, the Consent Holder must have begun to redevelop the dwelling on the Target Land into staff accommodation in accordance with its Business Plan.
6. Within 4 years from the date that Resource Consent is granted, the Consent Holder must have completed the redevelopment of the dwelling on the Target Land into staff accommodation in accordance with its Business Plan.

Requirement to develop office premises

7. Within 2 years from the date that Resource Consent is granted, the Consent Holder must have begun to develop office premises on the Target Land in accordance with its Business Plan.
8. Within 4 years from the date that Resource Consent is granted, the Consent Holder must have completed the development of office premises in accordance with its Business Plan.

Requirement to create 1 FTE position

9. Within 4 years from the date that Resource Consent is granted, the Consent Holder must have created, and filled, at least one additional full-time equivalent position on a permanent basis in connection with the operation of the staff accommodation. This position must be employed to work on the Target Land and to assist in operating the staff accommodation.

Reporting to the OIO

10. The Consent Holder must notify the OIO in writing as soon as practicable, and no later than twelve months from the date of consent, whether settlement of the acquisition of the Investment took place. If settlement of the acquisition of the Investment did take place, the notice must include:

- (a) the Settlement Date;
- (b) final consideration paid (plus GST, if any);
- (c) the structure by which the acquisition was made, and who acquired the Investment;
- (d) where applicable, copies of transfer documents and settlement statements; and
- (e) any other information that would aid the OIO in its function to monitor conditions of consent.

11. The Consent Holder must report in writing annually to the OIO detailing progress of its Business Plan ("Annual Report"), including the Consent Holder's compliance with conditions 3, 4, 5, 6 and 7;

The first Annual Report is due on 30 October 2017 and the final report is due on 30 October 2021 (or such other date as advised by the OIO in writing).

12. The Consent Holder must notify the OIO in writing within 20 working days if:

- (a) the Consent Holder, any Individual with Control, or any person in which the Consent Holder or any Individual with Control has, or had at the time of the offence or contravention, a 25% or more ownership or control interest, commits an offence or contravenes the law (whether convicted or not); or
- (b) any Individual with Control:
 - (i) ceases to be of good character; or
 - (ii) commits an offence or contravenes the law (whether convicted or not); or
 - (iii) becomes aware of any other matter that reflects adversely on an Individual with Control's fitness to have the Investment; or
 - (iv) becomes an individual of the kind referred to in section 15 or 16 of the Immigration Act 2009;
- (c) the Consent Holder:

- (i) ceases to be an overseas person; or
- (ii) disposes of the Investment.

13. 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 consent.

Inspection for the purposes of monitoring these conditions

14. The Consent Holder must allow an Inspector to conduct an Inspection, provided that the Consent Holder has been given at least two working days' notice of the Inspection.

15. For the purpose of conducting the Inspection, the Consent Holder must allow an Inspector to:

- (a) gather information and provide that information to the OIO;
- (b) enter any building on the Land other than a dwelling;
- (c) remain for as long as is reasonably required to conduct the Inspection;
- (d) conduct surveys, inquiries, tests, and measurements;
- (e) take photographs and video recordings; and
- (f) do all other things that are reasonably necessary to enable an Inspector to carry out an Inspection.

16. The Consent Holder must take all reasonable steps to facilitate an Inspection, including:

- (a) directing its employees or agents to permit an Inspector to conduct an Inspection; and
- (b) being available, or requiring its agents or employees to be available at all reasonable times during an Inspection to facilitate access by an Inspector onto and across the Land, including providing transport across the Land if reasonably required.

17. For the avoidance of doubt:

- (a) an Inspector will not inspect, copy or take documents during an Inspection, unless the Consent Holder or an employee or agent of the Consent Holder agrees to the document being inspected, copied or taken;
- (b) the Consent Holder, its employees, and agents are not required to answer an Inspector's questions, but may do so if they wish.

Monitoring Conditions of Consent

For the purpose of monitoring conditions of consent, the Overseas Investment Office may, under section 38 of the Act, require the consent holder to provide information or documents, or both, that are specified in the notice. Under section 40 of the Act, the Overseas Investment Office may also require a consent holder to provide a statutory declaration verifying the extent to which the consent holder has complied with the conditions of consent, and, if the consent holder is in breach of a condition or conditions, the reasons for the breach and the steps the consent holder intends to take to remedy the breach.

Sanctions

The Act provides for civil and criminal sanctions for breaching the Act, failing to comply with the conditions of consent and failing to provide information required by the Overseas Investment Office. The Overseas Investment Office has an obligation to investigate and act upon alleged and suspected breaches of the Act.

General

A reference to the "Overseas Investment Office" in this Notice includes a reference to the regulator (as defined by the Act). A reference to the Applicant includes a reference to the consent holder.

Released under the Official Information Act 1982

APPENDIX TWO

Released under the Official Information Act 1982

Overseas Investment Office
Radio New Zealand House
155 The Terrace
PO Box 5501
Wellington 6145
New Zealand
+64 4 460 0110
www.lin.govt.nz

Our Ref: 201610121

14 June 2019

NZ Binxi (Oamaru) Foods Limited

BY EMAIL:

Richard@bxfoods.co.nz;

CC - [Christina Lefever <christina.lefever@duncancotterill.com>](mailto:Christina.Lefever<christina.lefever@duncancotterill.com>)

Dear Richard

NZ Binxi (Oamaru) Foods Limited – compliance reporting for 10 Shortland Road, Oamaru (the Land) – Consent Decision 201610121

1. As you know, we have been investigating whether NZ Binxi (Oamaru) Foods Limited (**NZ Binxi**) has met the conditions of its Shortland Road consent (Decision 201610121) to establish whether it had contravened the Overseas Investment Act 2005 (**the Act**).
2. On 6 March 2019 we wrote to NZ Binxi requesting that it commence disposal of the property as based on the information we had at the time it seemed to us that it had not complied with, and was in breach of, Condition 3 of its consent:
"Within 6 months from the date of consent, the Consent Holder must apply for resource consent to change the zoning of the Target Land to allow the development of staff accommodation and a dwelling to take place in accordance with the Business Plan."
3. We have now considered the information provided in your letter dated 29 March 2019 and write to inform you that we will be taking no further action regarding the Land at this time other than issuing this compliance letter.
4. Obtaining resource consent was made a condition of the Shortland Road consent as NZ Binxi told us that resource consent was required to change the zoning to allow for the staff accommodation and office development (together called **the development**)¹. We understand from your letter that NZ Binxi received email confirmation from the Waitaki District Council that resource consent for the development was not required on 20 March 2018.
5. You also submit that Conditions 5 and 7 were inserted so that the Overseas Investment Office (**OIO**) had some comfort that the development was being progressed towards the key completion timeframe of mid 2021.
6. As noted in our letter of 6 March 2019 consent was granted to NZ Binxi on 10 November 2016 and compliance with Condition 3 was due on 10 May 2017. On 20 March 2018 NZ Binxi knew that resource consent was not required yet the development has not yet begun. This is unsatisfactory as to date NZ Binxi has not made any physical progress to meet its consent commitments.

¹ See email from Christina Lefever to Tyrone Barugh dated 30 September 2016 that said: "In response to paragraph 9(b) of your letter our client advises that it will require a resource consent to change the zoning of the land to allow the development to take place. The Applicant has spoken with the local Council and the Council has indicated that there should not be any difficulties in obtaining the rezoning. However, we would appreciate if the Consent Conditions could be amended to reflect this."

7. Therefore our view is that NZ Binxi is also in breach of conditions 5 and 7 which required the development to begin by 10 May 2018 (the staff accommodation) and 10 May 2019 (the office). As the development has not occurred in accordance with the representations made at the time of NZ Binxi's application, we asked NZ Binxi to consider voluntarily disposing of the land. While the OIO's view is that NZ Binxi remains in breach of its conditions we are not minded to pursue disposal at this time. We do, however, expect that the development will be completed by 10 May 2021 in accordance with condition 6 and 8.
8. However we are issuing this compliance letter noting our concerns above and require going forward that NZ Binxi report on, and provide evidence of, progress made towards the development in 6 monthly² increments as follows:
- (a) On receipt of this letter please confirm who will be undertaking the development work and a firm timeline for completing the development works.
 - (b) By the date of the next annual report – 30 October 2019 – provide an update on the development accompanied by photographic evidence.
 - (c) By 31 May 2020 provide a further report on the progress of the development accompanied by photographic evidence.
 - (d) By 30 October 2020 provide a further report on the progress of the development accompanied by photographic evidence.
 - (e) By 31 May 2021 provide a further report on the progress of the development accompanied by photographic evidence.
 - (f) By 30 October 2021 provide a final report with photographs of the completed development along with the name, role and employment contract of the person employed as required by condition 9.
9. Please ensure the reports detailed above are received on time as late reporting may attract a \$500 administration penalty.
10. Also should it become clear to us that the development has not started, or has not progressed sufficiently within the required timeframes we will consider stronger enforcement action as signalled in our letter dated 6 March 2019 - this could include seeking a court order for disposal of the land.
11. Finally, we remind NZ Binxi that it is a privilege for overseas persons to own sensitive land in New Zealand.

Yours sincerely

s9(2)(a)

Gary Bailey
Senior Investigator
Overseas Investment Office
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s9(2)(a)

Anna Sinclair
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Overseas Investment Office
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² We rely on conditions 11 and 13 for this increased monitoring of NZ Binxi. We reserve the right to issue notices under section 38 or 40.

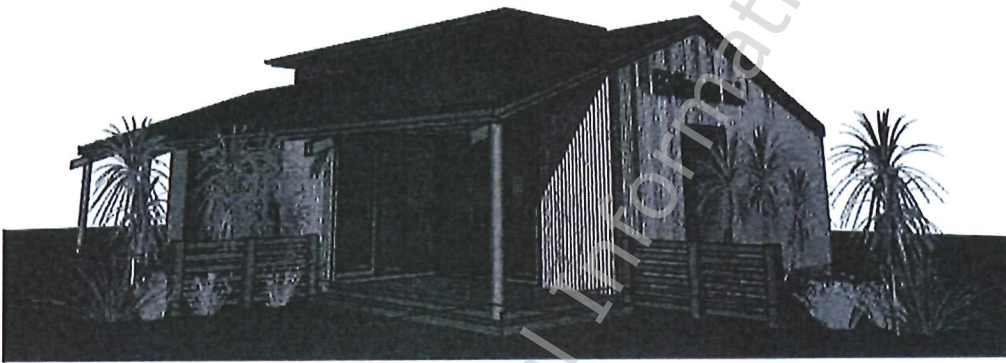
APPENDIX THREE

Released under the Official Information Act 1982

Shortlands Road

Case: 201610121

Overseas Investment Office Annual Report 2019



Special Conditions	Summary of Section	Progress Update	Status
Resource Consents	3) Within 6 months from the date of consent, the Consent Holder must apply for resource consent (Resource Consent) to change the zoning of the Target Land to allow the development of staff accommodation and a dwelling to take place in accordance with the Business Plan.	<p>The company has made two applications for migrant workers through the AIP programme with New Zealand Immigration the most recent application has been declined from immigration New Zealand.</p> <p>At this point we have no commercial reason to change the zoning of the land if we are unable to obtain workers to place in the lodgings</p>	
Resource Consents	4) The Consent Holder must use all reasonable commercial endeavours to obtain the resource consent	Resource consent is not required	

<p>Requirement to develop staff accommodation</p>	<p>5) Within 1 year from the date that Resource Consent is granted, the Consent Holder must have begun to redevelop the dwelling on the Target Land into staff accommodation in accordance with its Business Plan</p>	<p>Plans are completed and attached to this report, we have not proceeded with the zone change due to a lack of go forward with Immigration NZL on migrant workers</p>	
<p>Requirement to develop staff accommodation</p>	<p>6) Within 4 years from the date that Resource Consent is granted, the Consent Holder must have completed the redevelopment of the dwelling on the Target Land into staff accommodation in accordance with its Business Plan</p>	<p>Due to a decline of our application from Immigration NZL at this point there is no commercial reason to develop the lodgings to the extent we have provided in the plan – there is a possibility we can develop the current building by building bedrooms into the garage. This would allow us to accommodate more people but would not require a resource consent.</p> <p>We are planning to have the garage in Shortlands Road house, remodelled to accommodate staff at a cost of \$95,000 this will be completed in April 2021.</p>	
<p>Requirement to develop office premises</p>	<p>7) Within 2 years from the date that Resource Consent is granted, the Consent Holder must have begun to develop office premises on the Target Land in accordance with its Business Plan.</p>	<p>The office is to be built as part of a major development of the main factory site and will be built on the Shortlands road site – plans are attached. Completion of the office will be April 2021 – the expected cost of the office has been quoted at \$420,000 along with land scaping and carparking for an additional sum of \$47,500</p>	<p>On Target</p>
<p>General Summary</p>	<p>Improvements of land since taking ownership.</p>	<ul style="list-style-type: none"> • On taking ownership of the land we have made a number of improvements. • All the internal fences were beyond repair and they were removed with new fences to go in along with new gates – cost to remove fences - \$2,500 • An old tree line on a boundary fence was removed at 100% cost to NZ Binxi (Oamaru) Foods Ltd 	

Wednesday, 30 October 2019

		<ul style="list-style-type: none">• New fences have been installed in 2019 - \$35,000• We have levelled a third of the farm, laying clay and top soil and will be re-planting grass seed post over the year of 2020 - \$10,000• The cattle yards have been dismantled, these yards were unsightly and had not been used for many years.	
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s9(2)(a)

Richard Thorp

Released under the Official Information Act 1982



SHEET INDEX	
ID	LAYOUT NAME
201	SITE PLAN
202	FLOOR PLAN
203	ELEVATIONS
204	PERSPECTIVE IMAGES
205	CROSS SECTION



3. SITE LOCATION PLAN
1:20000

3. SITE PLAN
1:1000

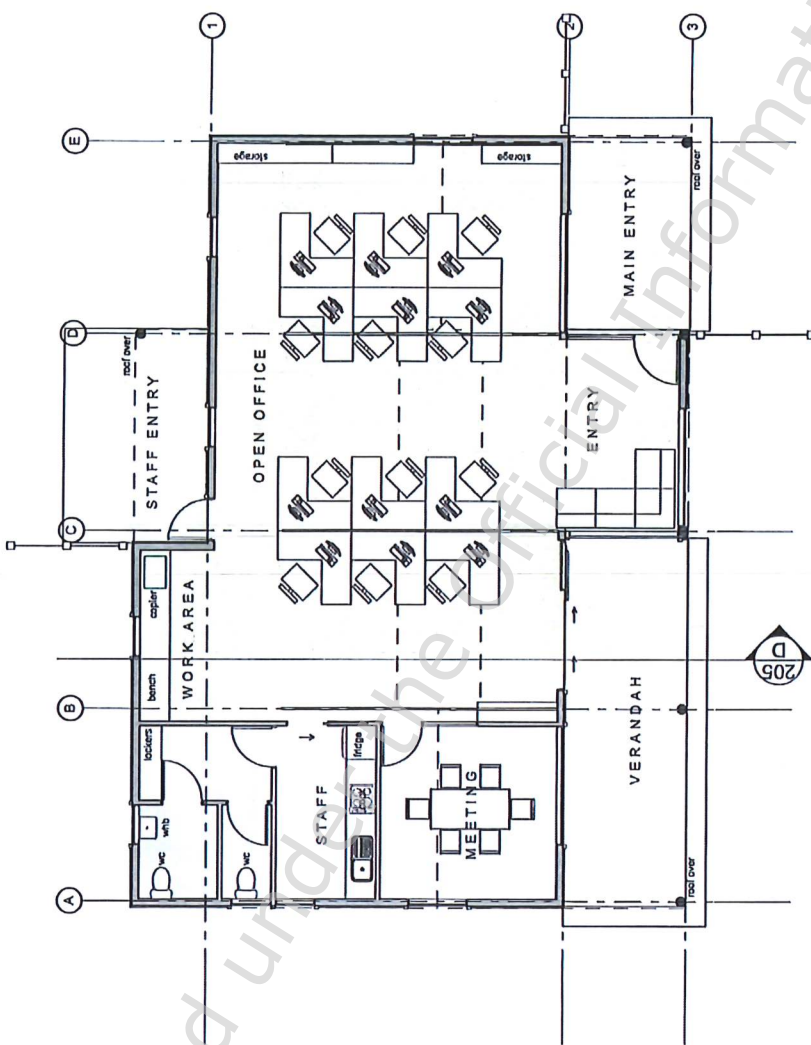
de Geest
de Geest Construction Ltd
Future builders building futures

Job Title
PROPOSED OFFICE DEVELOPMENT
For
BINXI FOODS NZ Ltd
At
REDCASTLE ROAD OAMARU

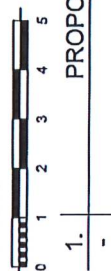
	Drawn Design Creation Date Plot Date	Drawing Number 201	Scale 1:1, 1:20000, 1:1000
	ALL DIMENSIONS TO BE VERIFIED ON SITE		

All workmanship and materials shall be in accordance with New Zealand Standards 3604:2011 and the Building Act: 2004. All non specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.

Released under the Official Information Act 1982



134.93 m²



Released under the Official Information Act 1982

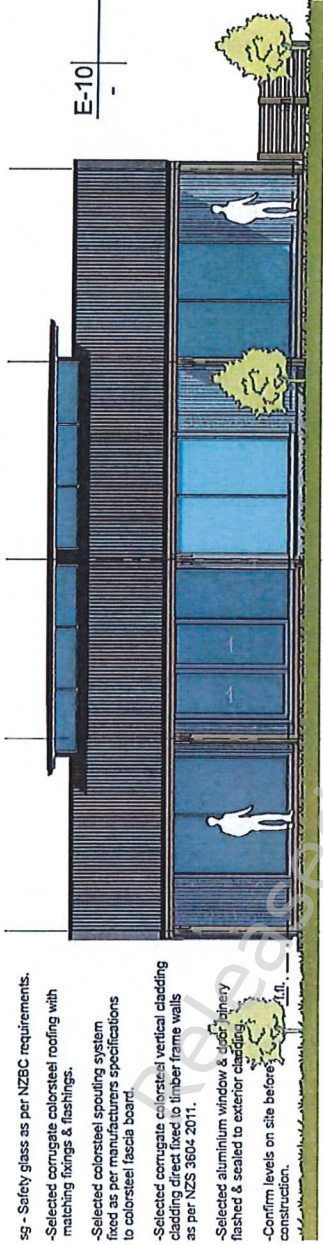
de Geest
de Geest Construction Ltd
Future builders building futures

Job Title: **PROPOSED OFFICE DEVELOPMENT**
For: **BINXI FOODS NZ Ltd**
At: **REDCASTLE ROAD OAMARU**

	Drawing Title: FLOOR PLAN
	Drawing Number: 202 Scale: 1:100
Design: 14/09/2009 Creation Date: 3/09/2015 Plot Date: 3/09/2015	ALL DIMENSIONS TO BE VERIFIED ON SITE

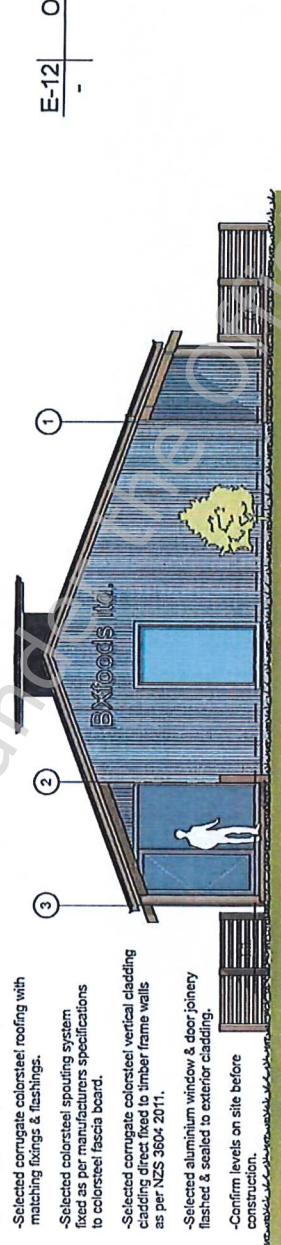
All workmanship and materials shall be in accordance with New Zealand Standards 3604:2011 and the Building Act: 2004. All non specific construction shall be in accordance with the provisions of this New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.

E-10 OFFICE WEST ELEVATION



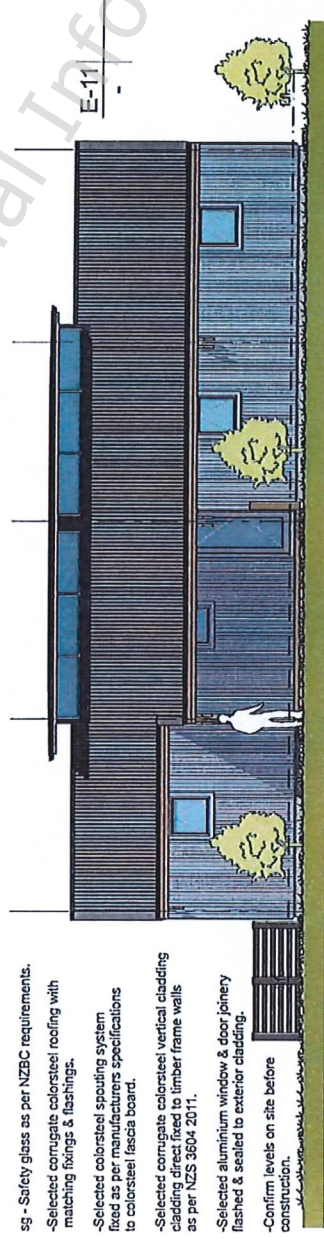
- Sg - Safety glass as per NZBC requirements.
- Selected corrugate colorsteel roofing with matching fixings & flashings.
- Selected colorsteel spouting system fixed as per manufacturers specifications to colorsteel fascia board.
- Selected corrugate colorsteel vertical cladding cladding direct fixed to timber frame walls as per NZS 3604:2011.
- Selected aluminium window & door joinery flashed & sealed to exterior cladding.
- Confirm levels on site before construction.

E-12 OFFICE SOUTH ELEVATION



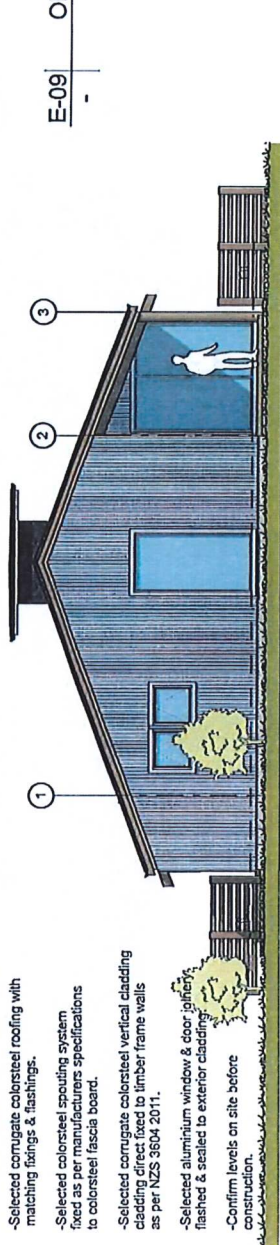
- Sg - Safety glass as per NZBC requirements.
- Selected corrugate colorsteel roofing with matching fixings & flashings.
- Selected colorsteel spouting system fixed as per manufacturers specifications to colorsteel fascia board.
- Selected corrugate colorsteel vertical cladding cladding direct fixed to timber frame walls as per NZS 3604:2011.
- Selected aluminium window & door joinery flashed & sealed to exterior cladding.
- Confirm levels on site before construction.

E-11 OFFICE EAST ELEVATION



- Sg - Safety glass as per NZBC requirements.
- Selected corrugate colorsteel roofing with matching fixings & flashings.
- Selected colorsteel spouting system fixed as per manufacturers specifications to colorsteel fascia board.
- Selected corrugate colorsteel vertical cladding cladding direct fixed to timber frame walls as per NZS 3604:2011.
- Selected aluminium window & door joinery flashed & sealed to exterior cladding.
- Confirm levels on site before construction.

E-09 OFFICE NORTH ELEVATION



- Sg - Safety glass as per NZBC requirements.
- Selected corrugate colorsteel roofing with matching fixings & flashings.
- Selected colorsteel spouting system fixed as per manufacturers specifications to colorsteel fascia board.
- Selected corrugate colorsteel vertical cladding cladding direct fixed to timber frame walls as per NZS 3604:2011.
- Selected aluminium window & door joinery flashed & sealed to exterior cladding.
- Confirm levels on site before construction.

Job Title PROPOSED OFFICE DEVELOPMENT

For BINXI FOODS NZ Ltd

At REDCASTLE ROAD OAMARU



Drawn
Design
Creation Date 00/00/2010
Plot Date 3/09/2015

Drawing Title

ELEVATIONS

Drawing Number 203
Scale 1:100

ALL DIMENSIONS TO BE VERIFIED ON SITE

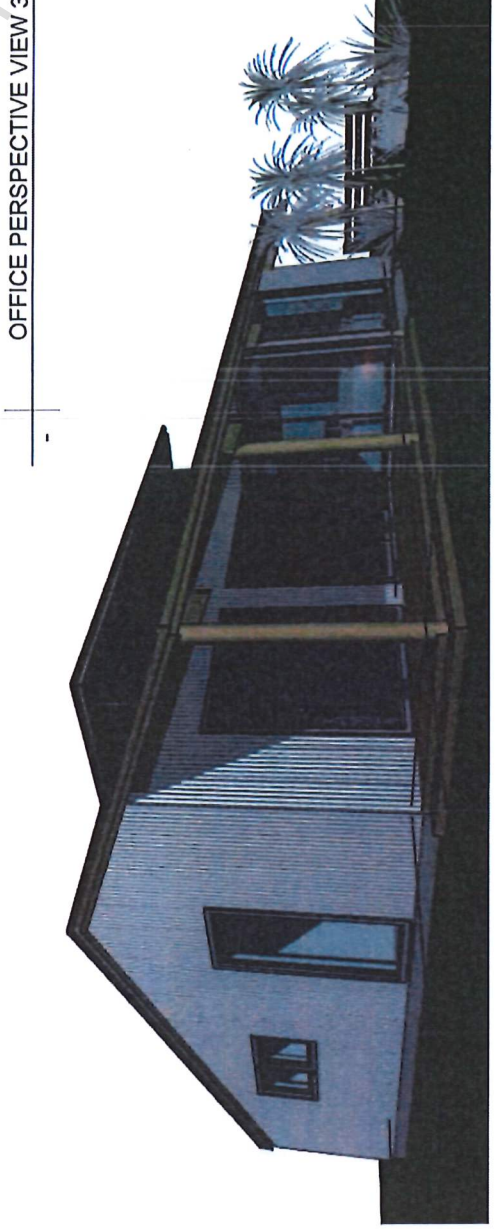
All workmanship and materials shall be in accordance with New Zealand Standards 3604:2011 and the Building Act 2004. All work on specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.



OFFICE PERSPECTIVE 1



OFFICE PERSPECTIVE VIEW 2



OFFICE PERSPECTIVE VIEW 3

de Geest
de Geest Construction Ltd
Future builders building futures

Job Title **PROPOSED OFFICE DEVELOPMENT**

For **BINXI FOODS NZ Ltd**

At **REDCASTLE ROAD OAMARU**



Drawn	
Design	
Creation Date	00/00/2010
Plot Date	3/09/2015

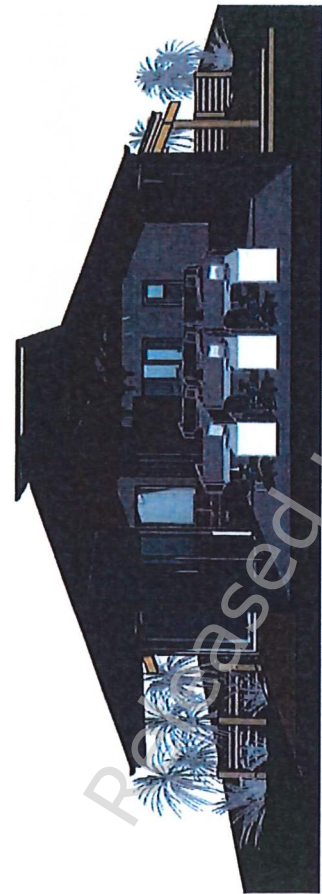
Drawing Title

PERSPECTIVE IMAGES

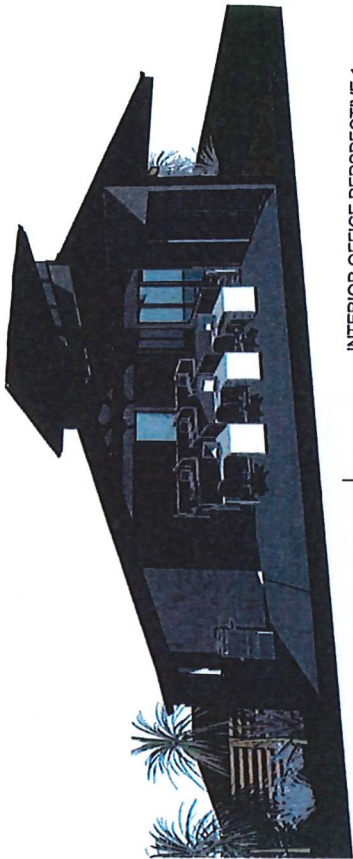
Drawing Number	204
Scale	1:132.8441, 1:170.8859, 1:148.1357

ALL DIMENSIONS TO BE VERIFIED ON SITE

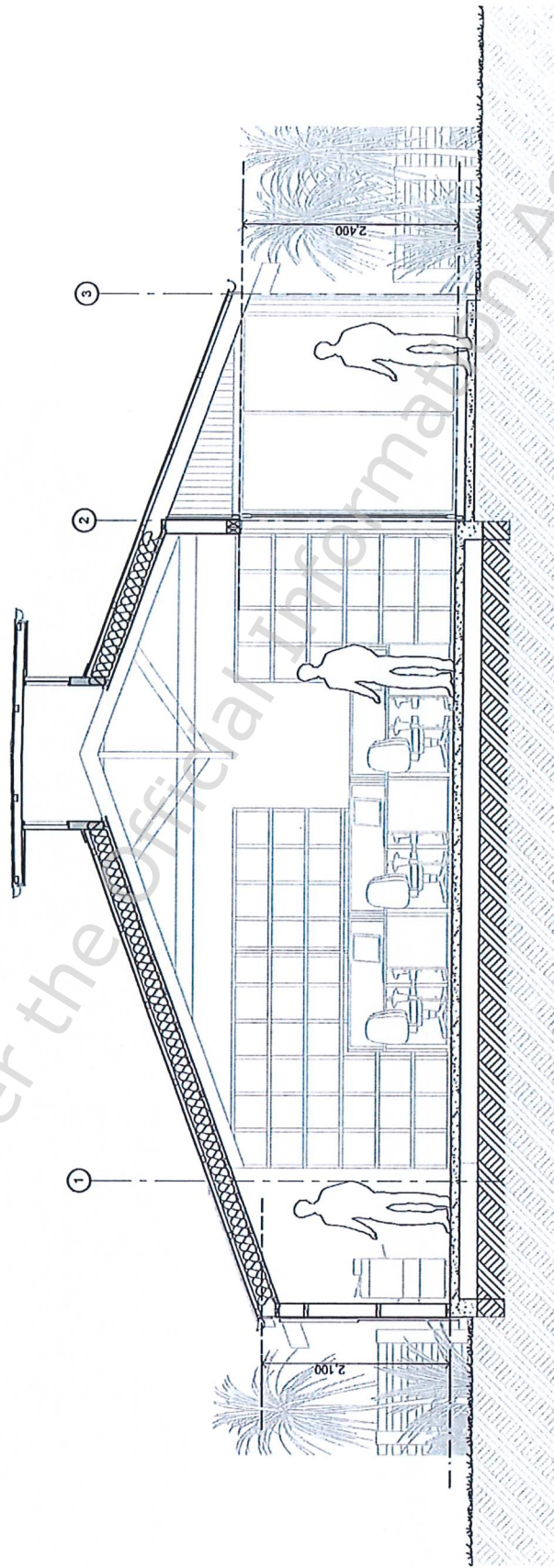
All workmanship and materials shall be in accordance with New Zealand Standards 3604:2011 and the Building Act 2004. All non specific construction shall be in accordance with the provisions of the Building Code. The Engineer shall verify all dimensions on site before construction. All drawings shall be read in conjunction with the specifications and Engineer's details.



INTERIOR PERSPECTIVE 2



INTERIOR OFFICE PERSPECTIVE 1



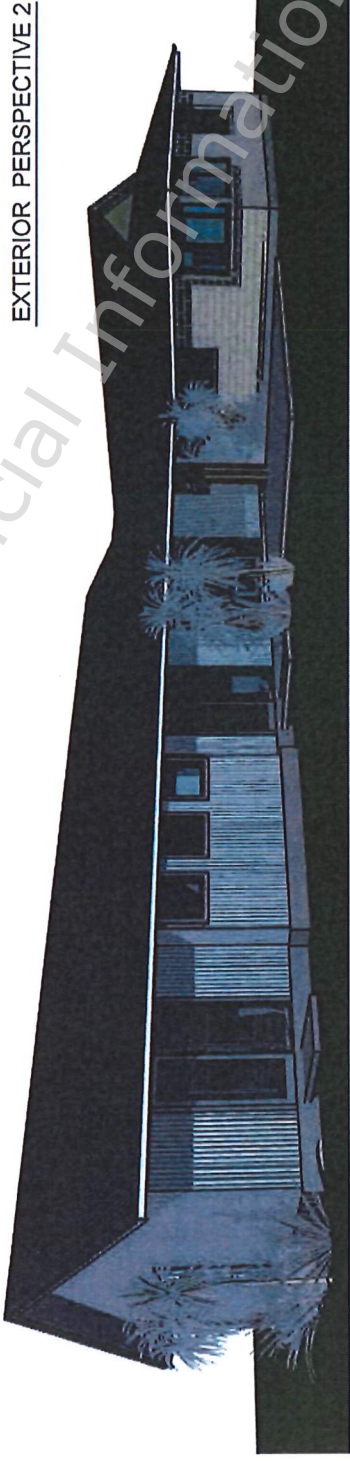
de Geest
de Geest Construction Ltd
Future builders building futures

Job Title: PROPOSED OFFICE DEVELOPMENT
For: BINXI FOODS NZ Ltd
At: REDCASTLE ROAD OAMARU

Drawn	Checked	Design	Drawn	Scale
				1:50, 1:200, 6785, 1:243, 2696
14/09/2015	30/09/2015	205	CROSS SECTION	
ALL DIMENSIONS TO BE VERIFIED ON SITE				

All workmanship and materials shall be in accordance with New Zealand Standards 3804:2011 and the Building Act 2004. All non specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.

EXTERIOR PERSPECTIVE 1



EXTERIOR PERSPECTIVE 2

SHEET INDEX	
ID	LAYOUT NAME
101	EXTERIOR PERSPECTIVE VIEWS
102	PROPOSED FLOOR PLAN
103	PROPOSED ELEVATION
104	CROSS SECTION
105	EXISTING FLOOR PLAN
106	EXIST. ELEVATION
201	ROOF / FOUNDATION PLAN

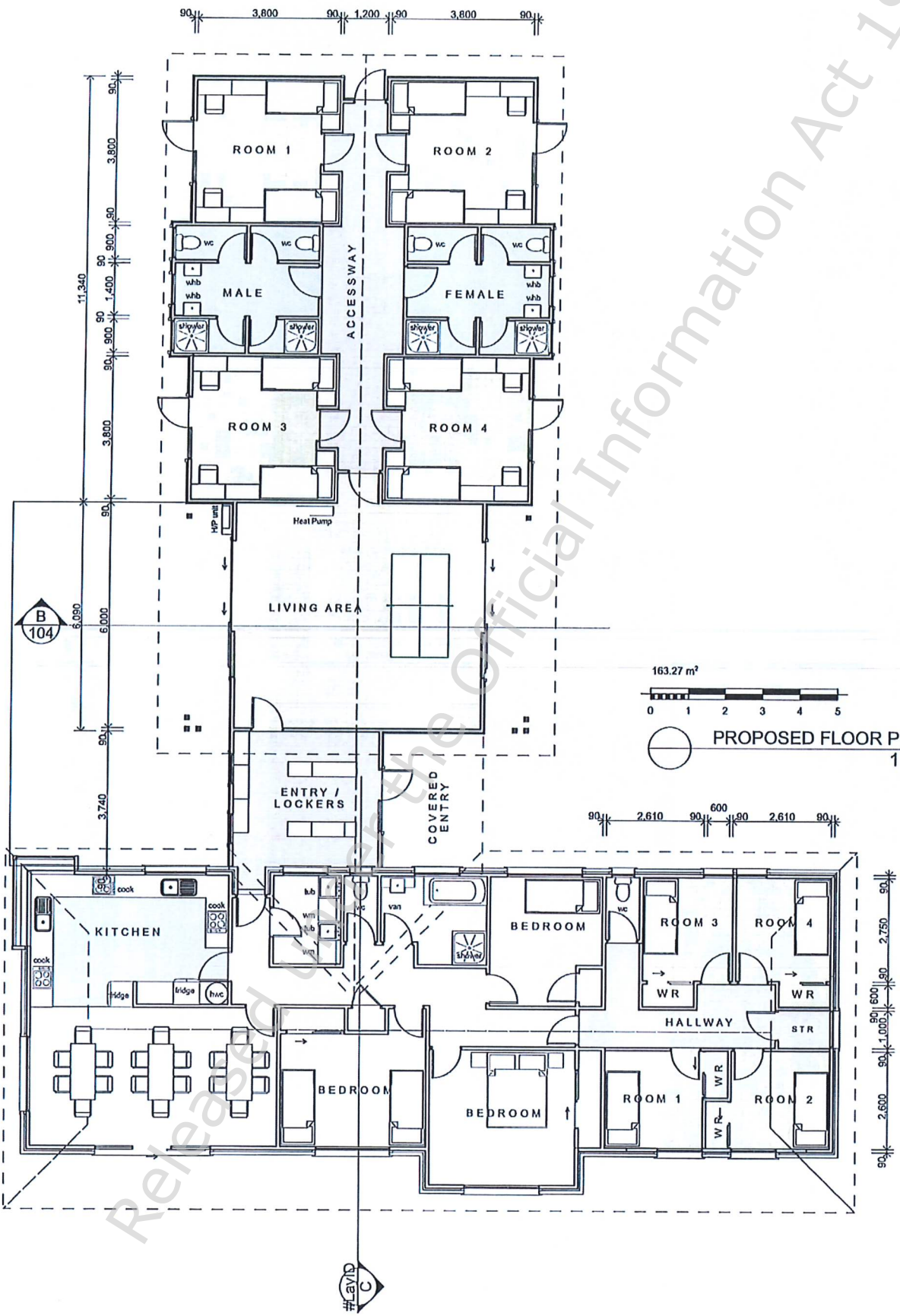
All workmanship and materials shall be in accordance with New Zealand Standards 5604:2011 and the Building Act: 2004. All non specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.

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Job Title: **PROPOSED ACCOMMODATION DEVELOPMENT**
 For: **BINXI FOODS NZ Ltd**
 At: **REDCASTLE ROAD OAMARU**

Drawn		EXTERIOR PERSPECTIVE VIEWS	1:200, 1:1
Design		Drawing Number	101
Creation Date	14/09/2008	Scale	1:200
Plot Date	21/08/2015	ALL DIMENSIONS TO BE VERIFIED ON SITE	

Released under the Official Information Act 1982

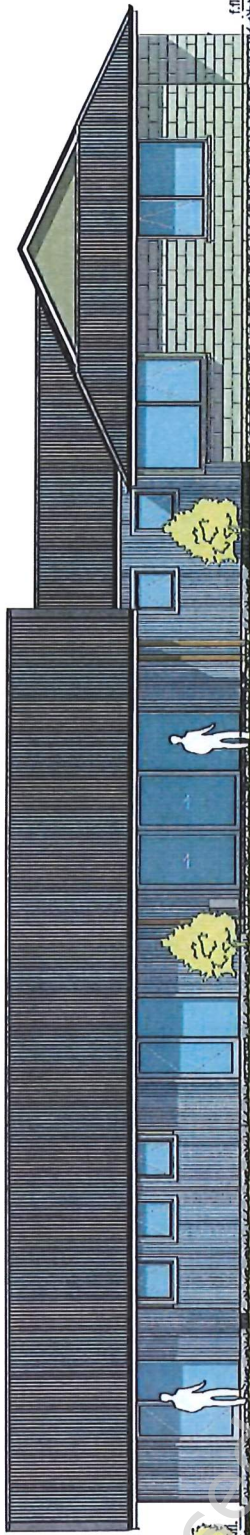


Drawing Title		PROPOSED FLOOR PLAN	
Drawn	Checked	Drawing Number	Scale
Depth	Creation Date	102	1:100
Plot Date	21/08/2015	ALL DIMENSIONS TO BE VERIFIED ON SITE	

Job Title
PROPOSED ACCOMMODATION DEVELOPMENT
 For
BINXI FOODS NZ Ltd
 At
 REDCASTLE ROAD
 OAMARU

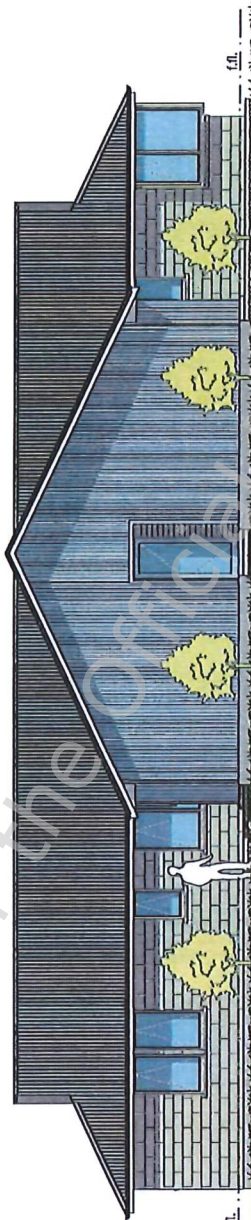
de Geest
 de Geest Construction Ltd
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All workmanship and materials shall be in accordance with New Zealand Standards 3604:2011 and the Building Act 2004. All non specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.



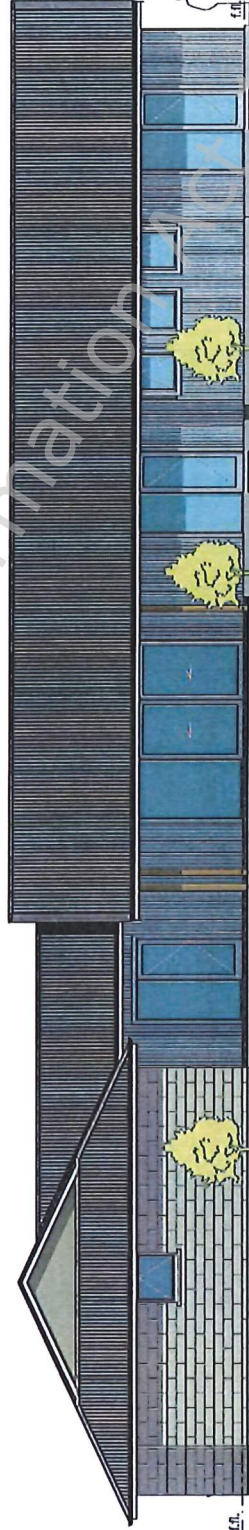
E-05 | PROPOSED NORTH ELEVATION

- sq - Safety glass as per NZBC requirements.
- Selected corrugate colorsteel roofing with matching fixings & flashings.
- Selected colorsteel spouting system fixed as per manufacturers specifications to colorsteel fascia board.
- Selected corrugate colorsteel vertical cladding cladding direct fixed to timber frame walls as per NZS 3604 2011.
- Selected aluminum window & door joinery flashed & sealed to exterior cladding.
- Confirm levels on site before construction.



E-07 | PROPOSED EAST ELEVATION

- sq - Safety glass as per NZBC requirements.
- Selected corrugate colorsteel roofing with matching fixings & flashings.
- Selected colorsteel spouting system fixed as per manufacturers specifications to colorsteel fascia board.
- Selected corrugate colorsteel vertical cladding cladding direct fixed to timber frame walls as per NZS 3604 2011.
- Selected aluminum window & door joinery flashed & sealed to exterior cladding.
- Confirm levels on site before construction.



E-08 | PROPOSED SOUTH ELEVATION

- sq - Safety glass as per NZBC requirements.
- Selected corrugate colorsteel roofing with matching fixings & flashings.
- Selected colorsteel spouting system fixed as per manufacturers specifications to colorsteel fascia board.
- Selected corrugate colorsteel vertical cladding cladding direct fixed to timber frame walls as per NZS 3604 2011.
- Selected aluminum window & door joinery flashed & sealed to exterior cladding.

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All workmanship and materials shall be in accordance with New Zealand Standards 3604:2011 and the Building Act 2004. All non specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.

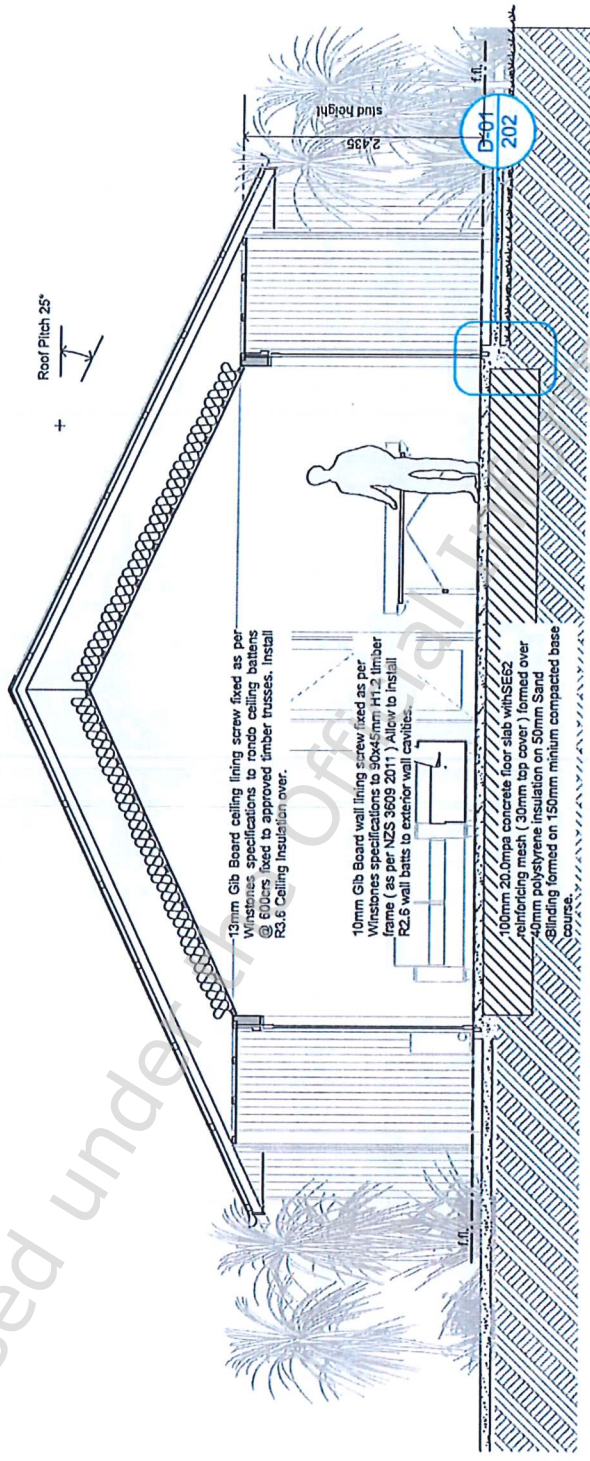
Job Title
For
At

PROPOSED ACCOMMODATION DEVELOPMENT
BINXI FOODS NZ Ltd
REDCASTLE ROAD
OAMARU

	Drawing Title PROPOSED ELEVATION	Scale 1:100
	Drawing Number 103	Date 14/09/2008
Design Creation Date 21/09/2015	Drawn Design Creation Date 21/09/2015	ALL DIMENSIONS TO BE VERIFIED ON SITE

Released under the Official Information Act 1982

Selected Colorsteel tray section long run roofing (with matching fixings & flashing) fixed as per manufacturers specifications over self supporting build, paper to 70x45mm timber purlins @ 900c/s fixed to approved trusses @ 900c/s



Roof Pitch 25°

13mm GSB Board ceiling lining screw fixed as per Windows specifications to rondo ceiling battens @ 900c/s fixed to approved timber trusses. Install R3.6 Ceiling insulation over.

10mm GSB Board wall lining screw fixed as per Windows specifications @ 900c/s. 45mm M12 timber frame (as per NZS 3609 2011). Allow to install R2.6 wall batts to exterior wall cavities.

100mm 20.0mpa concrete floor slab with SEE2 reinforcing mesh (30mm top cover) formed over 40mm polystyrene insulation on 50mm Sand Blinding formed on 150mm minimum compacted base course.



CROSS SECTION 'B'

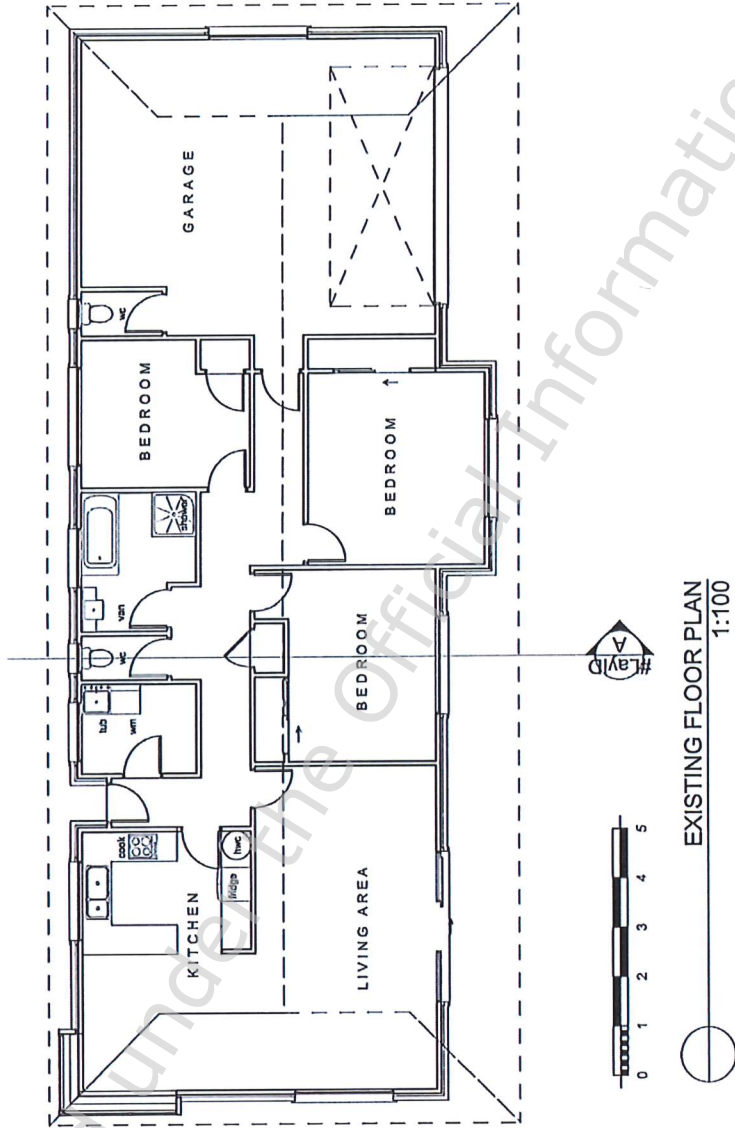
All workmanship and materials shall be in accordance with New Zealand Standards 3604:2011 and the Building Act: 2004. All non specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.

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de Geest Construction Ltd
Future builders building futures

Job Title: PROPOSED ACCOMMODATION DEVELOPMENT
For: BINXI FOODS NZ Ltd
At: REDCASTLE ROAD OAMARU

Drawn		CROSS SECTION	
Design			
Creation Date	14/09/2009		
Plot Date	27/08/2015		
		Drawing Number	104
		Scale	1:54,935, 1:1, 1:50
ALL DIMENSIONS TO BE VERIFIED ON SITE			

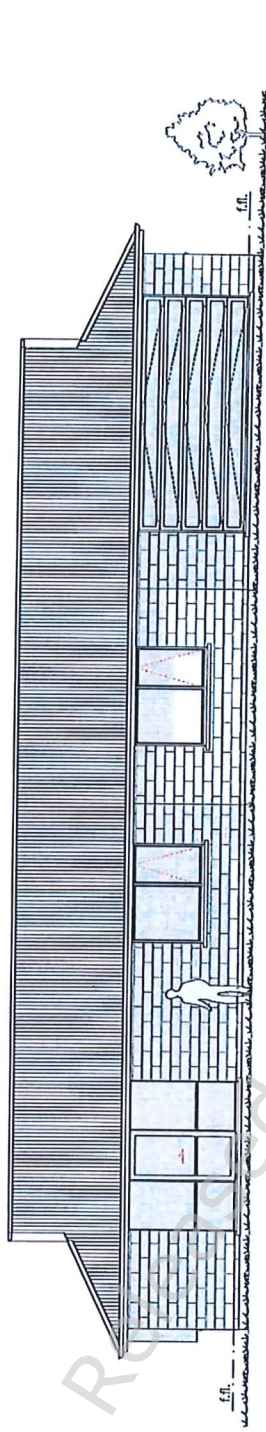
Released under the Official Information Act 1982



Job Title		EXISTING FLOOR PLAN	
For	PROPOSED ACCOMMODATION DEVELOPMENT	Drawing Number	105
At	BINXI FOODS NZ Ltd REDCASTLE ROAD OAMARU	Scale	1:100
Drawn	Z	Design	14/09/2009
Creation Date	21/09/2015	Print Date	21/09/2015
ALL DIMENSIONS TO BE VERIFIED ON SITE			

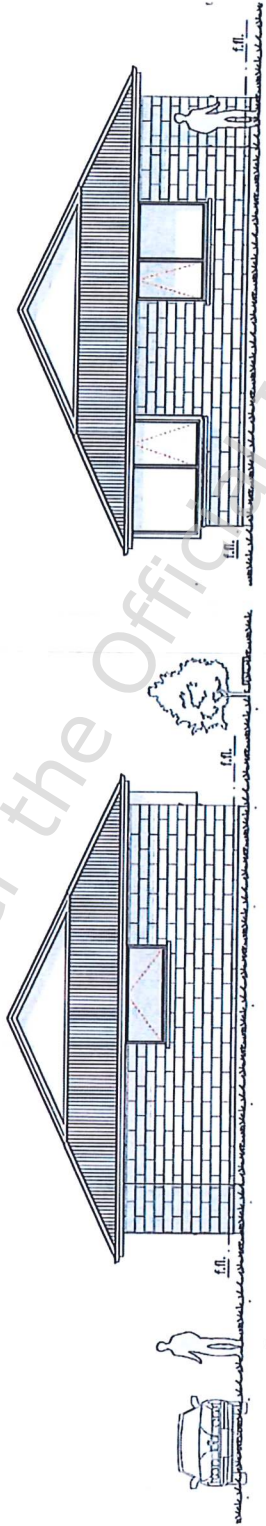
de Geest
de Geest Construction Ltd
Future builders building futures

All workmanship and materials shall be in accordance with New Zealand Standards 3904:2011 and the Building Act 2004. All non specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All Plans are to be read in conjunction with the specifications and Engineer's details.



WEST ELEVATION
1:100

E-03



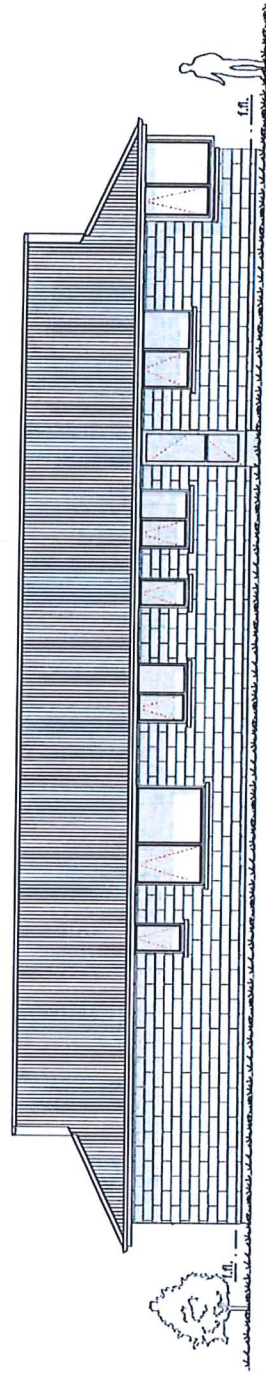
SOUTH ELEVATION
1:100

E-02



NORTH ELEVATION
1:100

E-04



EAST ELEVATION
1:100

E-01

Job Title **PROPOSED ACCOMMODATION DEVELOPMENT**

For **BINXI FOODS NZ Ltd**

At **REDCASTLE ROAD OAMARU**



Drawn	
Design	
Creation Date	00/00/2010
Plot Date	21/08/2015

Drawing Title

EXIST. ELEVATION

Drawing Number	106
Scale	1:100

ALL DIMENSIONS TO BE VERIFIED ON SITE

All workmanship and materials shall be in accordance with New Zealand Standards 3594:2011 and the Building Act: 2004. All non specific construction shall be in accordance with the provisions of the New Zealand Building Code. The contractor shall verify all dimensions on site before commencing work. Written dimensions are to take priority over scaled dimensions. All plans are to be read in conjunction with the specifications and Engineer's details.

Assessment Report

201610121 – NZ Binxi (Oamaru) Foods Limited

Key information

Incident date	4 November 2019
Triage date	19 November 2019
Assessment date	11 February 2020
Incident officer	Rachel Budd
Assessment team	Svetlana Malivuk

Brief summary of Incident as alleged

1. On 10 November 2016 NZ Binxi (Oamaru) Foods Limited (**NZ Binxi**) was granted consent to purchase approximately 5.38 hectares of land at Oamaru North located next to its meat processing plant in order to:
 - (a) redevelop the dwelling on the land into staff accommodation;
 - (b) develop office premises.
2. Since granting of the consent 5 investigations have been undertaken due to concerns that NZ Binxi may breach the consent conditions.
3. The current investigation was referred to Enforcement by M&I after they reviewed NZ Binxi's Annual Report and noted that no progress has been made to build the staff accommodation or office premises.
4. The matter was triaged in November 2019 and it was decided that the matter be moved to Assessment and further information sought from NZ Binxi on the progress of development.
5. Ana Sinclair wrote to NZ Binxi advising them that their Annual Report is unsatisfactory and that it is difficult to see how NZ Binxi can be "on target to develop the office premises...when there is no evidence to suggest that the development of the office premises and staff accommodation has even begun."
6. We received NZ Binxi's updated Annual Report on 20 December 2019.

Recommendation: That M&I continue monitoring the progress of NZ Binxi in accordance with the monitoring conditions imposed in the Compliance Letter issued to NZ Binxi on 14 June 2019.

Asset concerned

7. Freehold interest in approximately 5.3806 hectares of land at 10 Shortland Road, Oamaru North. See **Appendix A** for a map of the land.
8. The property adjoins NZ Binxi's meat processing plant – Lean Meats Oamaru.

Information in and attached to this report may be legally privileged

Person/s concerned

9. NZ Binxi's 97% shareholder is Heilongjiang Binxi Cattle Industry Co Limited, located in the Heilongjiang Province in China.
10. On 1 December 2015 NZ Binxi received OIO consent to acquire an additional 75.8% interest in Lean Meats Oamaru for a reported price of \$5,000,000 (Case Number 201520010).

Brief summary of information reviewed/inquiries made since triage

11. 15 November 2019: Email from Anna Sinclair to NZ Binxi seeking additional information to the Annual Report of 30 October 2019 by 30 November 2019.
12. 20 December 2019: Receipt of the updated Annual Report from Duncan Cotterill. In summary, the following was noted in the Annual Report regarding the conditions of consent
 - (a) *Conditions 3 & 4 Resource Consents*: As per Duncan Cotterill's letter of 23 March 2019 no resource consent is needed for the proposed facilities and therefore the requirements of these conditions have fallen away.
 - (b) *Conditions 5 & 6: Requirement to develop staff accommodation*: The key timeframe for the realisation of the benefits claimed in the application is the completion of the staff accommodation and office premises within 4 years.

NZ Binxi seeks a degree of flexibility as to when and how it completes the staff accommodation development (having regard to the labour availability and associated accommodation requirements) provided it is completed by May 2021 (regardless of the labour position).

The conversion of the existing garage is expected to commence in October 2020, and be completed by April 2021 at a cost of \$95,000. The further extension is under review based on labour availability. However, the conversion of the existing garage into four additional bedrooms will result in the creation of 1 long term full time equivalent employment position associated with the operation and management of the staff accommodation.

- (c) *Condition 7 & 8: Requirement to develop office premises*: Physical construction of office premises have not yet commenced. As per the variation to consent conditions for the consent 201520010, the development timeframe has been extended from 2017/2018 years to 2020 (see **Appendix B** for the referred condition). As such the expected timeframes in relation to the development of the office premises is:

Date	Stage
February 2020	Lodge Building consent for office development
October 2020	Commence foundation works for office development
May 2021	Completion of office development

The key timeframe for the realisation of the benefits claimed in the application is the completion of the staff accommodation and office premises within 4 years.

Assessment

13. On the basis of the information currently available:

Information in and attached to this report may be legally privileged

Question	Y/N	Basis for answer
Does there appear to have been a breach of the Rules?	Y/N	Technically NZ Binxi has not yet breached its consent conditions as they have 4 years from the date the Resource Consent was obtained to complete the development. As Resource Consent has not been obtained, the date of completion of April 2021 is calculated from 4 years of approximately from when NZ Binxi found out that Resource Consent is not needed.
Does the Incident fall within the OIO's Enforcement Criteria?	N	
Is there any reason to qualify, amend or add to the answer to Triage questions?	N	

Recommendation

Based on my review of the information, I recommend:

Recommendation	Tick	Basis for answer
You decide you have reason to suspect that there has been a breach of the Act or an offence under the Act has been committed		
The Incident progress to Investigation Stage 1		
No further action be taken and the Incident be closed	✓	As part of the compliance letter that was issued to NZ Binxi, they required to provide monitoring reports on 31 May 2020, 30 October 2020, 31 May 2021 and 30 October 2021. I consider that this is adequate for the time being to sufficiently monitor NZ Binxi's progress against the consent conditions.
An Enforcement Tool be deployed [link to Enforcement Approach] and then the Incident be closed		

s9(2)(a)

Pedro Morgan / Sarah Scott
Principal Advisor Enforcement

Agree:

Disagree:

Amend as marked:

Date: 12-2-20

Information in and attached to this report may be legally privileged

s9(2)(a)

Jeremy Ford
Manager Enforcement

Agree:
Disagree:
Amend as marked:

Date:

12/21

Notes/guidance for Investigation Team

Matters to be considered	Notes
Enforcement tool to be deployed and Implementation person or matter to be closed?	
Otherwise	
Investigation team members	
Lead Investigator (note responsible for setting strategy meeting and devising Investigation Plan)	
Track I or Track II Investigation	
Date of First Advisory Group (note ordinarily 30 working days for Track II and 20 working days for Track I Investigation)	
Comments/Guidance on Investigation	M&I to check progress with Oct 2020 Report and if insufficient progress then advise Enforcement

Appendix A – Map of the Land



PARCELS	
▼ LAND PARCEL ◀ 1 OF 1 ▶	
id	7104633
appellation	Lot 1 DP 410881
affected surveys	DP 410881
parcel intent	Fee Simple Title
statutory actions	
land district	Otago
titles	440536
survey area	53806.0000
▼ TITLE OWNERS ◀ 1 OF 1 ▶	
id	6650077
owner	NZ Binxi (Oamaru) Foods Limited
title no	440536
title status	LIVE
land district	Otago
part ownership	F

Released under the Official Information Act 1982

Appendix B – 201520010 development condition

Additional Investment condition

4. The Consent Holder must introduce additional investment of at least \$7,050,000 into New Zealand for development purposes and use this investment to implement the developments described in section 5 of the Business Plan and summarized below substantially in accordance with the Business Plan by the dates in the table below:

Date by which Development must occur	Development	Estimated Cost
30 December 2025	Dedicated Beef Processing Room	\$1,200,000
30 December 2020	Cost Storage, Blast Freezing and Load-Out Facilities	\$5,500,000-\$6,000,000
30 December 2020	Boiler Replacement	\$350,000
Total Expenditure		\$7,050,000-\$7,500,000

Increased processing condition

5. The Consent Holder must increase the number of cattle and sheep processing at the Facility for each of the calendar years 2018 and 2020 substantially as set out in the table below:

Year	Number of Beef Processed	Number of Sheep (including ram, lamb and mutton) Processed
2019	8,000	250,000
2020	10,000	250,000

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Triage Report – Monitoring Incident

201520010 & 201610121 – NZ Binxi (Oamaru) Foods Limited

Key information

Incident date	6/05/2020
Triage date	12/05/2020
Referral person	Danielle Stephens
Suspected breach type	Breach of a condition

Details of asset and date consented

1. NZ Binxi (Oamaru) Foods Limited (201520010) (Binxi) obtained consent to acquire a total shareholding of 100 percent of Lean Meats Oamaru Ltd on 20 July 2015. The consent holder owns approximately 6.9940ha of land at 7 Redcastle Road, Oamaru.
2. Binxi (201610121) also obtained consent to acquire 5.3806ha of land at 10 Shortland Road, Oamaru on 27 June 2016.

Consent holder

3. Heilongjiang Binxi Cattle Industry Co Ltd is incorporated in China, and is the sole shareholder of Binxi. The consent holder is ultimately owned by
4. A variation was sought and later granted for Special Conditions 3, 4, 5 and 6 on 6 August 2018 (201520010).

Brief summary of information reviewed/inquiries made

5. The OIO received a letter from Duncan Cotterill on 17 April 2020 requesting an extension for Special Conditions 4 (201520010) and 6, 8 and 9 (201610121) due to the COVID-19 response.
6. It is likely the delays will extend the completion of the freezing works until July 2021, and staff accommodation and offices until November 2021.
7. The consent holder is seeking confirmation that OIO would not take any enforcement action due to these delays.

Assessment

8. On the basis of the information currently available:

Question	Y/N	Basis for answer
Does there appear to have been a breach of a condition of consent?		
Is the breach likely to impact on the delivery of key benefits/commitments?		

Information in and attached to this report may be legally privileged

Question	Y/N	Basis for answer
Is the Incident within the limitation period?		
Is the investor complying with the other conditions of this consent?		
Has the investor complied with their OIO obligations generally?	N	<i>Variation on developments and FTE obtained 2018.</i>
Is there another regulatory or disciplinary body that has more appropriate jurisdiction or powers than the OIO to consider this?		

Recommendation

9. Based on my review of the information, I recommend:

Recommendation	Tick	Basis for answer
The Incident progress to Assessment phase.	✓	
No further action be taken and the Incident be closed		
An Enforcement Tool be deployed and then the Incident be closed		

Sarah Scott

Pedro Morgan/Sarah Scott
Principal Advisor Enforcement

Agree:
Disagree:
Amend as marked:

Date:

Information in and attached to this report may be legally privileged

Jeremy Ford

Jeremy Ford
Manager Enforcement

Agree:

Disagree:

Amend as marked:

Date:

12/05/2020

Notes for Assessment Team *[Screening Group to complete]*

Questions	Notes
Assessment team member(s)	
Date to report back to Screening Group (20 working days)	
Comments or guidance on areas to review	Apply interim enforcement policy and determine which step is best suited – extension or variation?

APPENDIX A: Conditions of consent

Decision Date

1 December 2015

Varied on

28 June 2019

Interpretation

Any term or expression that is defined in the Overseas Investment Act 2005 and used, but not defined, in this consent has the same meaning as in the Overseas Investment Act 2005.

Act means the Overseas Investment Act 2005.

Application Letter means the application letter dated 15 July 2015.

Business Plan means the business plan set out in Appendix 12 of the Application Letter, as amended by the Application to Vary Conditions of Consent dated [x].

Consent Holder means NZ Binxi (Oamaru) Foods Limited.

Facility means the meat processing facility located upon the Land.

Individuals with Control means:

- (a) the individuals who have, directly or indirectly, a 25% or more ownership or control interest in the Consent Holder or a Parent of the Consent Holder; and
- (b) the members of the governing body of the Consent Holder or a Parent of the Consent Holder; and
- (c) includes, for the avoidance of doubt, the members of the governing body of NZ Binxi (Oamaru) Foods Limited and Heilongjiang Binxi Cattle Industry Co Limited.

Investment means the Consent Holder's acquisition of rights or interests in up to 100% of the issued share capital in Lean Meats Oamaru Limited which owns or controls a freehold interest in the Land.

Land means the land contained in certificates of title 222052, 440537 and 46609 (Otago Registry).

Special Land means the qualifying foreshore and seabed located within record of title 222052.

OIO means the Overseas Investment Office.

Parent of Consent Holder means a person that has, directly or indirectly, a 25% or more ownership or control interest in the Consent Holder, and includes a person that has, directly or indirectly, a 25% or more ownership or control interest in another Parent of the Consent Holder.

Regulations means the Overseas Investment Regulations 2005.

Settlement Date means the date the acquisition of the Investment took place.

Variation means the variation to consent conditions granted on 28 June 2019 in relation to the Applicant's Application to Vary Conditions of Consent dated 17 June 2019.

Special Conditions

Consent is granted subject to the following conditions:

When the transaction must given effect

Information in and attached to this report may be legally privileged

1. The consent will lapse if the Investment has not been acquired by and transferred to the Consent Holder within twelve months of the date of consent.

Good character

2. The Individuals with Control must:
 - (a) continue to be of good character; and
 - (b) not become an individual of the kind referred to in section 15 or 16 of the Immigration Act 2009.

Employment condition

3. The Consent Holder must increase the number of job opportunities at the ~~Target on the Land Facility~~ by:
 - (a) ~~4~~ full time equivalent employees ~~substantially in accordance with section 6 of the Business Plan~~ by 31 December 2020; and
 - (b) ~~by a further 30~~ full time equivalent employees by 31 December 2025.

Additional investment condition

4. The Consent Holder must introduce additional investment of at least ~~\$6,450,000~~ ~~\$7,050,000~~ into New Zealand for development purposes and use this investment to implement the developments described in section 5 of the Business Plan (and summarised below) substantially in accordance with the Business Plan ~~by 31 December 2018~~ by the dates in the table below:

Scheduled Year Date by which Development must occur	Development	Estimated Cost
2017 30 December 2025	Dedicated Beef Processing Room	\$1,200,000
2017-2018 30 December 2020	Cold Storage, Blast Freezing and Load-Out Facilities	\$5,000,000 \$5,500,000 - \$6,000,000
2018 30 December 2020	Boiler Replacement	\$250,000 \$350,000
Total Expenditure		\$6,450,000 \$7,050,000 - \$7,550,000

Increased processing condition

5. The Consent Holder must increase the number of cattle and sheep processed at the ~~plant on the Land Facility~~ for each of the calendar years ~~2016, 2017 and 2018~~ 2019 and 2020 substantially as set out in the table below:

Year	Number of Cattle-Beef Processed	Number of Sheep (including ram, lamb and mutton) Processed
2019	8,000	250,000

Information in and attached to this report may be legally privileged

2020	10,000	250,000
------	--------	---------

Increased exports condition

6. ~~The Consent Holder must increase export receipts for New Zealand exporters as described in the Business Plan and the letter from Michael Beck to the Overseas Investment Office dated 19 August 2015 (including the attachments) substantially in accordance with the timeframes set out therein and as set out in the table below.~~

Year	Number of Cattle Exported	Number of Sheep Exported
2016	30,000	300,000
2017	40,000	330,000
2018	50,000	380,000

Special land condition

7. ~~The Consent Holder must, upon acquiring the Investment:~~

- ~~(a) Ensure that Lean Meats Oamaru Limited continues to be bound by any offer, arrangement or agreement that it has made, reached or entered into with the Crown in relation to the special land that forms part of the Land;~~
- ~~(b) If so required by the Crown, procure Lean Meats Oamaru Limited to enter into a deed of covenant with the Crown to be so bound; and~~
- ~~(c) Procure Lean Meats Oamaru Limited to deal with the Crown in accordance with the requirements of the Act as the party making the initial offer of the special land to the Crown.~~

7A. ~~The Consent Holder must, upon acquiring the Investment ensure that Lean Meats Oamaru Limited continues to be bound by any offer, arrangement or agreement that it has made, reached or entered into with the Crown in relation to the Special Land that forms part of the Land.~~

7B. ~~The Consent Holder must procure Lean Meats Oamaru Limited, within 10 working days of being requested to do so by the Crown:~~

- ~~(a) enter into a deed of covenant with the Crown to be bound;~~
- ~~(b) deal with the Crown in accordance with the requirements of the Act in respect of the initial offer of the Special Land to the Crown;~~
- ~~(c) enter into negotiations in good faith to ensure the Special Land is transferred to the Crown on terms acceptable to the Crown and in accordance with Regulations; and/or~~
- ~~(d) agree to an encumbrance or covenant in gross being registered to protect the Crown's interest upon the Crown's request.~~

7C. ~~The Crown reserves the right to caveat the Land until an encumbrance or covenant has been registered.~~

7D. ~~The Consent Holder and Lean Meats Oamaru Limited will be responsible for all of its own costs incurred as a result of the transfer of the Special Land.~~

Reporting to the OIO

8. The Consent Holder must notify the OIO in writing as soon as practicable, and no later than twelve months from the date of consent, whether settlement of the acquisition of the Investment took place. If settlement of the acquisition of the Investment did take place, the notice must include:

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- (a) the Settlement Date;
 - (b) final consideration paid (plus GST, if any);
 - (c) the structure by which the acquisition was made, and who acquired the Investment;
 - (d) where applicable, copies of transfer documents and settlement statements; and
 - (e) any other information that would aid the OIO in its function to monitor conditions of consent.
9. The Consent Holder must report in writing annually to the Overseas Investment Office detailing progress of its Business Plan ("**Annual Report**"), including the following:
- (a) the Consent Holder's compliance with conditions 3, 4, and 5;
 - (b) the number (in full time equivalent units) and type of any new job opportunities created in New Zealand as a result of the Investment including the value of these jobs (being the annual salary or wages paid); and
 - (c) any increased export receipts for New Zealand exporters, including the number of sheep and beef exported, the average price per animal exported and the country the animal was exported to.

The first Annual Report is due on 30 November ~~2016~~ after the Variation and further Annual Reports are required on 28 February of each year with ~~and~~ the final report is due on ~~30 November 2019~~ 28 February 2026.

10. The Consent Holder must notify the OIO in writing within 20 working days if:
- (a) the Consent Holder, any Individual with Control, or any person in which the Consent Holder or any Individual with Control has, or had at the time of the offence or contravention, a 25% or more ownership or control interest, commits an offence or contravenes the law (whether convicted or not); or
 - (b) any Individual with Control:
 - (i) ceases to be of good character; or
 - (ii) commits an offence or contravenes the law (whether convicted or not); or
 - (iii) becomes aware of any other matter that reflects adversely on an Individual with Control's fitness to have the Investment; or
 - (iv) becomes an individual of the kind referred to in section 15 or 16 of the Immigration Act 2009;
 - (c) the Consent Holder:
 - (i) ceases to be an overseas person; or
 - (ii) disposes of the Investment.
11. 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 consent.

General Condition

12. The OIO will reasonably consider a request for a variation to the Business Plan that arises due to changes in economic and/or environmental conditions outside the Applicant's control, or from any circumstances outside the Consent Holder's control that were reasonably unforeseen at the date of the Application.

Disposal Process

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13. If in the opinion of the OIO condition 3, 4, or 5 is not complied with ("Non-Compliance"), the Consent Holder must dispose of the Investment as follows:
- (a) The Consent Holder must, within six weeks of receiving notice from the OIO that in its opinion there has been Non-Compliance (the "Notice Date"):
 - (i) procure from an independent New Zealand registered valuer, and provide to the OIO, a written market valuation of the Investment; and
 - (ii) appoint licensed real estate agents to actively market and appropriately advertise the Investment for sale on the open market; and
 - (b) The Consent Holder must dispose of the Investment within twelve months of the Notice Date to a third party who must not be an associate of the Consent Holder. If the Consent Holder has not disposed of the Investment at the expiry of the twelve month period, the Consent Holder must offer the Investment for sale by auction or tender within a further three months (with no reserve price or minimum bid set for the auction or tender) and dispose of the Investment.
 - (c) The Consent Holder must provide a written report to the OIO quarterly (by the last day of March, June, September and December) about the marketing activities undertaken and offers received for the Investment. The Consent Holder must also report at any other time if required by the OIO.
 - (d) The Consent Holder must provide a written report to the OIO within two months of the Investment being disposed of, providing evidence that:
 - (i) the Consent Holder has disposed of the Investment (including copies of any sale and purchase agreements, settlement statements and titles showing the purchaser as registered proprietor); and
 - (ii) the purchaser is not an associate of the Consent Holder.

Released under the Official Information Act 1982

APPENDIX B: Letter dated 17 April 2020 from Duncan Cotterill



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duncan@cotterill.com

17 April 2020

Overseas Investment Office
PO Box 5501
Wellington 8145

By email: oiomonitoring@linz.govt.nz

NZ Binxi (Oamaru) Foods Limited ("Consent Holder") – OIO Consents 201520010 & 201610121

- 1 We refer to the above OIO consents, and the associated consent conditions (which, for consent 201520010 were varied with effect from 28 June 2019).
- 2 Condition 4 of OIO consent 201520010 requires the Consent Holder to:

...introduce additional investment of at least \$7,050,000 into New Zealand for development purposes and use this investment to implement the developments described in section 5 of the Business Plan (and summarised below) substantially in accordance with the Business Plan by the dates in the table below:

Scheduled Year Date by which Development must occur	Development	Estimated Cost
30 December 2025	Dedicated Beef Processing Room	\$1,200,000
30 December 2020	Freezing and Load- Out Facilities	\$5,500,000 - \$8,000,000
30 December 2020	Boiler Replacement	\$350,000
Total Expenditure		\$7,050,000 - \$7,550,000

- 3 The Consent Holder has advised that the Boiler Replacement has been completed and fully commissioned in April 2019, per the Consent Holder's 13 December 2019 report to the OIO.
- 4 Conditions 6, 8 & 9 of OIO consent 201610121 require the Consent Holder to (a) complete the development of staff accommodation and office premises and (b) create 1 FTE position by May 2021. As noted in the Consent Holder's recent reporting to the OIO (dated 19 December 2019), the Consent Holder's expectations at that time in respect of progress towards meeting these conditions was:

Action	Timing
Lodge building consent for office	February 2020
Commence garage conversion for staff accommodation	October 2020
Commence office foundation works	October 2020
Complete staff accommodation – garage conversion (creating 1 FTE)	May 2021
Complete office development	May 2021

- 5 In relation to the Freezing and Load-Out Facilities in Condition 4 of OIO consent 20520010, and Conditions 8, 8 & 9 of OIO consent 201810121 the Consent Holder advises as follows:
- 5.1 Completion of the Freezing and Load-Out Facilities by 30 December 2020 requires initial steps to be taken (with associated capital expenditure) in the first half of the calendar year (including lodgement and assessment of the required consents, requesting and assessing tenders from building contractors);
 - 5.2 The Consent Holder's parent company is based in China and as a result there have already been some delays in progressing works on the Freezing and Load-Out Facilities, staff accommodation and office development as the parent company was monitoring and addressing issues relating to the coronavirus outbreak and associated implications on its business and cash-flows and the future capital requirements for each aspect of its business, both in China and New Zealand;
 - 5.3 The lodging of consents for the Freezing and Load-Out Facilities (originally anticipated for mid-March 2020) and office development (originally anticipated for February 2020) were delayed due to the China shareholder having difficulties in the transfer of funds. New Zealand management were reluctant to move to the next stage until there was confidence to make the bank transfer. This now is happening, but the Alert Level 4 in New Zealand creates additional issues;
 - 5.4 The Consent Holder operates an Essential Service under the current Covid-19 Alert Level 4. While the Consent Holder is continuing to operate its business, its current priority is the management of its business and the health and safety of its staff in the current circumstances;
 - 5.5 Many of the third parties that the Consent Holder would be required to engage with to complete the Freezing and Load-Out Facilities and the development of the staff accommodation and office premises are not Essential Services and may not be operating at all or at full capacity during Alert Level 4 (and possibly any subsequent Alert Level 3). In particular site visits are unlikely to be possible;
 - 5.6 On-site construction relating to the Freezing and Load-Out Facilities, staff accommodation and office may not be considered an Essential Service, and following Alert Level 4 being lifted, there could be continued restrictions and/or a backlog of construction projects, creating further delays.
- 6 Given all of the above factors, the Consent Holder is anticipating that (subject to the Level 4 Alert being raised within the next 8 weeks):
- 6.1 the completion of the Freezing and Load-Out Facilities could potentially be delayed until July 2021;
 - 6.2 the completion of the staff accommodation and office premises (and associated stages of those developments), and creation of the associated FTE position, could potentially be delayed by six months, i.e. with completion in November 2021.
- 7 On behalf of the Consent Holder, we request confirmation from the OIO that given current circumstances, the OIO will not be taking enforcement action in relation to any such delays.
- 8 We understand that the OIO acknowledges that current Covid-19 measures may create difficulties for consent holders complying with conditions due for satisfaction in the coming months and is looking at adopting a pragmatic approach to dealing with any associated delays.
- 9 However, if the OIO's view (in line with the approach being taken on equivalent scenarios for other consent holders) is that a formal Application for Variation of Consent Conditions is

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required for one of both of the above OIO consents, we request that the OIO advise us of this as soon as possible.

Yours sincerely

s9(2)(a)

Christina Lefever
Special Counsel

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Assessment Report

201610121 – NZ Binxi (Oamaru) Foods Limited

Key information

Incident date	6 May 2020
Triage date	12 May 2020
Assessment date	16 June 2020
Incident officer	Svetlana Malivuk
Assessment team	Svetlana Malivuk

Brief summary of Incident as alleged

1. On 17 April 2020 Duncan Cotterill wrote to the OIO and advised that due to Covid-19 the consent holder will not be able to complete the staff accommodation and office facilities in accordance with conditions of its consent.
2. Staff accommodation and office facilities are due to be completed in May 2021.
3. In addition to the above, Duncan Cotterill also asked the OIO not to take any enforcement action in relation to the delay and that if OIO's view is that a formal Application for Variation of Consent Conditions is required, to advise them of this.
4. The matter was triaged on 12 May 2020 and it was decided that the matter should be assessed further and that it should be determined, in accordance with the Interim Enforcement Policy, whether the best course of action is to delay taking enforcement action for the time requested or require the consent holder to apply for a variation.

Asset concerned

5. The consent relates to the acquisition of a freehold interest in 5.3806 hectares of land at 10 Shortland Road, Oamaru North.
6. The land is sensitive as it is non urban with an area greater than 5 hectares and adjoins the foreshore.
7. The land was acquired for the purpose of developing staff accommodation to house NZ Binxi staff working at the neighbouring property.

Person/s concerned

8. Oamaru Meats Limited and Lean Meats Oamaru Limited are New Zealand incorporated companies. Both are 100% owned by the consent holder, NZ Binxi (Oamaru) Foods Limited, a limited liability company incorporated in New Zealand.
9. NZ Binxi (Oamaru) Limited is 97% owned by a Chinese company, Heilongjiang Binxi Cattle Industry Co Limited. The other 4% are owned 1% each by the following individuals who appear to be New Zealanders:
 - (a) Richard James THORP of Oamaru;
 - (b) Aaron HOYLE of Taupo; and

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- (c) Gerard Douglas BRIER of Havelock North.

Enforcement History

10. The consent holder currently has 3 consents with the OIO:
- (a) 201520010 – a consent granted in 2015 for the consent holder to acquire an additional 75.08% interest in the shares of Lean Meats Oamaru Limited taking total shareholding to 100%;;
 - (b) 201610121 – is the current consent; and
 - (c) 201710013 – a consent for the acquisition of 100% shares in Blue Sky Meats (NZ) Limited.
11. While there has been no previous investigations when it comes to consent number 201710013, there have been a total of 3 previous investigation for consent number 201520010 and 5 previous investigation when it comes to consent number 2016100121. A summary of investigations and any enforcement action taken is provided at **Appendix A**.

Brief summary of information reviewed/inquiries made since triage

12. 8 June 2020: Reviewed the request
- (a) Duncan Cotterill gave the following reasons for why the consent holder will not be able to meet the deadlines under the Consent:
 - (i) Completion requires initial steps to be taken (with associated capital expenditure) in the first half of the calendar year (including lodgment and assessment of the required consents, requesting and assessing tenders from building contractors);
 - (ii) The Consent Holder's parent company is based in China and as a result there have already been some delays in progressing works on the facilities as the parent company was monitoring and addressing issues relating to the coronavirus outbreak and associated implications on its business and cash-flows and the future capital requirements for each aspect of its business, both in China and New Zealand;
 - (iii) The lodging of the consents (originally anticipated for February 2020) were delayed due to the China shareholder having difficulties in the transfer of funds. New Zealand management were reluctant to move to the next stage until there was confidence to make the bank transfer. Alert level 4 in New Zealand created additional issues.
 - (iv) Many of the 3rd parties that the Consent Holder would be required to engage with to complete the facilities were not Essential Services and were not able to operate at all or at full capacity during Alert level 4.
 - (v) On-site construction may also not be considered Essential Service during Alert level 4 and following lifting of Alert level 4, there could be continued restrictions and/or a backlog of construction projects, creating further delays
13. Suggested outcome with reference to the Interim Enforcement Policy

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- (a) The consent holder is not currently in breach as the staff accommodation and office premises are due to be completed in May 2021. It should be noted however that from previous investigations there is some doubt whether the consent holder will be able to complete the construction on time (despite Covid-19) as the resource consent which was due to be filed 6 months from granting of the consent has not yet been lodged.
- (b) The consent holder has however assured us during the previous investigation that they are on track to complete the accommodation and office facilities on time however now it appears that due to Covid-19 issues, this will not be possible.
- (c) The delay caused by Covid-19 is out of the consent holder's control and the delay is due to:
 - (i) The consent holder's shareholder being based in China and having to review its business cashflow and future capital requirements for each aspect of its business;
 - (ii) Lodging of the necessary consents to build the Freezing and Load—Out facilities has been impacted significantly by the shareholder being unable to transfer the funds from China to New Zealand;
 - (iii) Alert level 4 restrictions in New Zealand added further issues.
- (d) Further to the above, the consent holder has asked for a reasonable timeframe to complete the construction, until November 2021 which is only 6 months from the date under the Consent.
- (e) Due to the above and that fact that the consent holder was proactive in contacting the OIO, I consider that the most appropriate outcome is defer taking any enforcement action for 6 months (as requested by the consent holder) from the date when the condition is due to be fulfilled. This will allow the consent holder to comply with the condition by November 2021 or apply for a variation by that time.

Assessment

14. On the basis of the information currently available:

Question	Y/N	Basis for answer
Does there appear to have been a breach of the Rules?	N	The consent holder was not required to complete the office and accommodation facilities under the Consent until May 2021. The consent holder has approached the OIO early to advise of its inability to meet this condition due to Covid-19 impacts.
Does the Incident fall within the OIO's Enforcement Criteria?	N	
Is there any reason to qualify, amend or add to the answer to Triage questions?	N	

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Recommendation

Based on my review of the information, I recommend:

Recommendation	Tick	Basis for answer
You decide you have reason to suspect that there has been a breach of the Act or an offence under the Act has been committed		
The Incident progress to Investigation Stage 1		
No further action be taken and the Incident be closed	✓	I recommend that any enforcement action due to future non-compliance be deferred by 6 months from the due date until November 2021. This will allow the consent holder an additional 6 months to comply with the consent condition or apply for a variation of consent during that time. I do not consider that this is an unreasonable timeframe. M&I is to record the above for future monitoring purposes.
An Enforcement Tool be deployed [link to Enforcement Approach] and then the Incident be closed		

s9(2)(a)

Pedro Morgan / Sarah Scott
Principal Advisor Enforcement

Agree:
Disagree:
Amend as marked:

Date: 16/6/20

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s9(2)(a)

Jeremy Ford
Manager Enforcement

Agree:
Disagree:
Amend as marked:

Date:

16/6/2020

Notes/guidance for Investigation Team

Matters to be considered	Notes
Enforcement tool to be deployed and Implementation person or matter to be closed?	
Otherwise	
Investigation team members	
Lead Investigator (note responsible for setting strategy meeting and devising Investigation Plan)	
Track I or Track II Investigation	
Date of First Advisory Group (note ordinarily 30 working days for Track II and 20 working days for Track I Investigation)	
Comments/Guidance on Investigation	

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Appendix A – NZ Binxi (Oamaru) Foods Limited – previous enforcement action

Case Number	Year of Inv	Inv Description	Inv Outcome
201520010	2017	Failure to file 2017 Annual Report on time	Compliance Letter
	2018	Breach of Condition 5 – not processing the required number of cattle for 2016 and 2017	Site Inspection Variation – submitted 6 Aug 2018
	2019	Suspension of exports to China and temporary shutdown of the plant	No action taken – No breach
201610121	2017	Suspicion of non-compliance with condition 3 (application for re-zoning in order to be able to build staff accommodation)	Site-inspection
	2018	Investigation post site inspection	No action taken – No breach Sufficient mechanisms in place for M&I to follow if a variation has been received
	2019	Failure to file 2018 Annual Report on time	Administrative Penalty
	2019	Review of overdue 2018 Annual Report indicates consent holder has not applied for re-zoning in order to be able to build staff accommodation	Enforcement letter setting out a revised 6 monthly reporting schedule
	2019	Failure to comply with Enforcement Letter	Matter to be closed and M&I to continue monitoring – if no progress to build made at the time next Annual Report is due, matter to be referred to Enforcement

Triage Report – Monitoring Incident

201520010 (& 201610121) – NZ Binxi (Oamaru) Foods Limited

Key information

Incident date	21/10/2021
Triage date	26/10/2021
Referral person	Danielle Stephens
Suspected breach type	Breach of a condition

Decision

Decision	Tick	Comments
The Incident progress to Assessment.	Yes	<i>Non-compliance with consent conditions 5&7. See Appendix A – monitoring assessment</i>
The Incident progress to Investigation		
No further action be taken and the Incident be closed		
An Enforcement Tool be deployed and then the Incident be closed		
Priority 1. Strat priority 2. Not a strategic priority 3. Less important but do anyway 4. Complete or close	2	We have given opportunities to comply in the past but appears to be non-compliant with consent conditions due to covid-19. Consent holder continue to maintain Covid-19 related delays for on-going non-compliance with consent conditions 5&7. Christina Lefever is asking if a variation is appropriate for: 201520010 – Condition 4 201610121 – Conditions 5&7 See Appendix B – for investigation history
Next steps		<i>Write to Consent holder and seek what steps have taken since last informal extension of 6 months.</i>

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s9(2)(a)

Pedro Morgan/Sarah Scott
Principal Advisor Enforcement

Date:

26-10-21

s9(2)(a)

Simon Pope
Manager Enforcement

Agree:

Disagree:

Amend as marked:

Date:

26-10-21

Notes for Assessment Team [Screening Group to complete]

Questions	Notes
Assessment team member(s)	
Date to report back to Screening Group (20 working days)	
Comments or guidance on areas to review	Call Christmas - Annual Report still needs to be filed. - Variation is approp- in the New year > speak to APs maybe just to ensure they are comfortable w the rcc.

APPENDIX A: Monitoring Assessment

[Attach a copy of the Monitoring Assessment received from M&I]

Consent Details

Consent Number	201520010 (& 201610121)	
Consent Holder	NZ Binxi (Oamaru) Foods Limited	
Asset	100 percent interest shareholding of Lean Meats Oamaru (201520010) and acquisition of 5.3806ha at 10 Shortland Road, Oamaru (201610121)	
Investor Risk	Low/Medium/High/Extreme	N/A
Investment Risk	Low/Medium/High/Extreme	N/A
Analyst	Danielle Stephens	
Reviewer	Jatin Mistry	
Date non-compliance identified	21/10/2021	
Date reviewed	21/10/2021	

Assessment

Context	S6(C)		
Condition Number	5 & 7	Type of Condition	Standard/Special/Reporting
Condition Wording	<p>Special Conditions 5 and 7 (201610121)</p> <p>5. Within 1 year from the date that Resource Consent is granted, the Consent Holder must have begun to redevelop the dwelling on the Target Land into staff accommodation in accordance with its Business Plan.</p> <p>7. Within 2 years from the date that Resource Consent is granted, the Consent Holder must have begun to develop office premises on the Target Land in accordance with its Business Plan.</p>		
Assessment	<p>The consent holder states the construction of the refrigeration unit is delayed due to COVID-19 restrictions currently in place in Auckland (delay in obtaining and shipping parts to the site). The estimated completion date is now early December 2021. These delays have also impacted on the completion of the office and accommodation premises onsite, and the consent holder has requested the complete date is extended to 1 May 2022.</p>		
Recommendation	<p>The application for this variation falls short of the time limit of July 2021 stipulated by the Enforcement Team in June 2020, and the consent holder is considered in breach of its special condition requirements.</p> <p>Note that the reminder letter was sent 5/10/2021; this request was received on 18/10/2021. Annual report is due 1/11/2021; the consent holder has not submitted their annual report at the time of writing. It is recommended the consent holder is still required to submit their annual report by the due date rather than delaying due to a pending variation application.</p>		
Decision	<p>Refer to Enforcement on 21/10/2021 due to consent holder's request for a reply prior to Labour Day weekend.</p> <p>The Enforcement Incident Officer reply to Christine Lefever directly.</p>		

Appendix B – Investigation history

June 2020 investigation – Case number 201520010 – we deferred action for six months for non-compliance with consent condition due to Covid-19 related reasons. We advised that we will not take any enforcement action in relation to: the Freezing and Load-Out Facilities are not completed by 1 July 2021 (consent 201520010);

For historical summary of investigations see an extract from an assessment report dated 16 June 2020: <https://linzone/id:A4069668>

Appendix A – NZ Binxi (Oamaru) Foods Limited – previous enforcement action

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	2019	Review of overdue 2018 Annual Report indicates consent holder has not applied for re-zoning in order to be able to build staff accommodation	Enforcement letter setting out a revised 6 monthly reporting schedule
	2019	Failure to comply with Enforcement Letter	Matter to be closed and M&I to continue monitoring – if no progress to build made at the time next Annual Report is due, matter to be referred to Enforcement