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Our Ref: 202100803

22 August 2023

SunPork Holdings Pty Limited  
1/6 Eagleview Place  
Eagle Farm Qld 4009

By email only: s9(2)(a)

Dear s9(2)(a)

#### COMPLIANCE LETTER – SUNPORK HOLDINGS PTY LIMITED

1. We refer to SunPork Holdings Pty Limited's (**SunPork**) consent granted on 31 May 2022 for the acquisition of shares in PIC NZ Holdings Limited and sensitive land (the **Consent**). We also refer to your email of 31 July 2023 enclosing SunPork's Annual Report (the **Annual Report**).
2. We consider that SunPork is currently in breach of special condition 1 of the Consent.
3. The purpose of this letter is to draw your attention to the current breach and advise on what the next steps are.

#### Breach of the Consent conditions

4. Special condition 1 of the consent notes as follows:

Special condition 1: Introduce farrowing rings <sup>a</sup>	
<p><b>s9(2)(b)(ii)</b></p> <p>you must introduce farrowing ring technology on at least one pig farm that comprises part of the Land.<sup>¶</sup></p> <p>If you do not, standard condition 6 will apply and we may require you to dispose of the Land.<sup>a</sup></p>	By 30 June 2023 <sup>a</sup>

5. In the Annual Report you advised that you "are hopeful that the rings will be installed and that pigs will be introduced in early November 2023."
6. We consider that SunPork is currently in breach of special condition 1 of the consent as the farrowing rings technology should have been introduced by 30 June 2023.
7. We also draw your attention to the fact that special condition 1 is tied to the disposal condition under the Consent.

## Compliance letter

8. While SunPork has breached special condition 1, we will not be taking any further enforcement action at present other than to issue this compliance letter. Our decision is based on the fact that SunPork has, according to the Annual Report, undertaken the majority of preparatory work to introduce the pig farrowing technology on its farms and expects to introduce the same in the near future.
9. While it is open to SunPork to formally apply for a variation of Consent to extend the timeframe to meet special condition 1, we are comfortable with not taking any further enforcement action unless SunPork does not meet the requirements of special condition 1 by **22 February 2024**.
10. Please note however that if special condition 1 is not satisfied by **22 February 2024**, we may take further enforcement action which may include requiring SunPork to dispose of its interest in the sensitive land as per standard condition 6 of the Consent. If SunPork becomes aware that it will not be able to meet the requirements of special condition 1 by 22 February 2024, we encourage SunPork to formally apply for a variation of Consent before it fails to meet this timeframe.
11. While we do understand that SunPork has faced some difficulties in being able to satisfy special condition 1 by 30 June 2023, we expect consent holders to contact us prior to the breach taking place and discussing the issues with our office. We will endeavour to take a reasonable and pragmatic approach in order to reach a workable outcome.
12. Please be reminded that we do take breaches of conditions of consent seriously. While we will not be publishing this compliance letter, it will be kept on our records and you are on notice that we may take this compliance letter into account should there be another incident.
13. Please note that this letter is subject to the Official Information Act 1982. We will consult with you if we receive such a request for information.
14. If you have any questions regarding the contents of this letter, please contact the writer.

Yours sincerely

s9(2)(a)

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