

By email OIOmonitoring@linz.govt.nz

**Confidential**

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FROM **Glenn Shewan**  
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MATTER NO 404-5937  
DATE 21 November 2022

Dear OIO Monitoring Team

**CONFIDENTIAL: Creswell NZ Limited: Termination of Agreement (201620096)**

1.1 We refer to our email of 10 November 2022 which advised that Bell Gully has been instructed by Creswell NZ Limited (**Creswell**), in relation to aspects of Creswell's proposed acquisition of land (and business and assets) associated with the Otakiri Springs water bottling plant in the Bay of Plenty (the **Otakiri Assets**). The OIO granted consent for Creswell to acquire the relevant land on 30 May 2018 and varied this consent on 10 December 2021. The case number is 201620096.

1.2 We have been instructed to advise the OIO that on 5 September 2022, Creswell sent notice to Otakiri Springs Limited and Messrs James and Donald Robertson (the **Vendors**) terminating the business sale and purchase agreement and the property sale and purchase agreement (**the Sale and Purchase Agreements**) that Creswell had with the Vendors.

1.3 [ s 9(2)(b)(ii) ]  
[REDACTED]  
[REDACTED]  
[REDACTED]

1.4 [ s 9(2)(b)(i) ]  
[REDACTED]  
[REDACTED]

(a) [ s 9(2)(b)(ii) ] [REDACTED]

(b) [ s 9(2)(b)(ii) ] [REDACTED]

(c) [ s 9(2)(b)(ii) ] [REDACTED] and

(d) [ s 9(2)(b)(ii) ] [REDACTED]

1.5 Accordingly, Creswell is no longer able to meet the conditions of the consent decision 201620096 as it is no longer acquiring the land subject to the consent.

1.6 [ s 9(2)(b)(ii) ] [REDACTED]  
[REDACTED]

[ s 9(2)(b)(ii) ]  
[REDACTED]

1.7 [ s 9(2)(b)(ii) ]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

1.8 This letter contains confidential and commercially sensitive information, in particular due to the fact that certain stakeholders involved with these matters have not yet been informed of the termination. Accordingly, our client seeks confidentiality for the information contained in this letter. If a request for information is received under the Official Information Act 1982 that covers the information in this letter, our client requests that it is notified of any such request, and is given the opportunity to comment as to whether the information remains confidential and sensitive at the time the request is made.

1.9 Please contact us if you have any questions.

Yours faithfully  
**Bell Gully**



**Glenn Shewan**  
Partner

Released under the Official Information Act 1982