

Overseas Investment Office

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Our Ref: 201900270

8 October 2020

Metlifecare Limited
Level 4, 20 Kent Street
New Market
Auckland 1023

BY EMAIL

Attention: Camille Warnaar (camillew@metlifecare.co.nz)

Dear Camille

Consent 201900270: Metlifecare Limited and Metlifecare Oakridge - acquisition of Cobham Road, Kerikeri

1. We are writing about compliance concerns we have arising from Metlifecare's annual report (5 June 2020), specifically whether there has been a breach of a condition under consent 201900270 (increased housing) issued on 10 July 2019.
2. Special condition 3 required that you submit a resource consent for development by [s 9(2)(b)(ii)]
3. In your annual report of 5 June 2020, you advised that this had not yet been done because:
 - (a) You have not been able to conclude a [s 9(2)(b)(ii)]
 - (b) Work is continuing, with alternative options being investigated but due to the disruption of the government mandated restrictions in place since the coronavirus pandemic, this workstream is currently on hold.
 - (c) Milestone 2 (commencement of construction within 12 months following resource consent uplift) has been deferred as it is dependent on the resource consent.
 - (d) Milestone 3 (completion of construction by [s 9(2)(b)(ii)] has also been deferred as it is dependent on milestone 2.
4. On 29 September 2020, you advised that there were no further updates.

Conditions of consent under the Overseas Investment Act 2005 ("the Act")

5. As advised in our decision letter of 10 July 2019 granting consent, failure to comply with any of the conditions may result in fines, other penalties and a requirement to dispose of the land.¹

¹ Also see section 25A of the Act.

6. We consider that your failure to submit a resource consent for development by [redacted] s 9(2)(b)(ii) is a failure to comply with special condition 3 and consequently a breach of your consent conditions under the Act.

Application for variation and compliance with the Act

7. Following consideration of the circumstances surrounding the breach in question, we have decided to resolve our assessment of the breach by issuing this compliance letter and require that you apply for a variation to consent 201900270, to be submitted **no later than 23 December 2020**.
8. We also take this opportunity to encourage early reporting to us, always, of any compliance issues; if you consider you are not able to comply with any of your consent conditions, please discuss seeking a variation of those conditions at your earliest opportunity.
9. This letter serves as notice that any future non-compliance with your conditions and failure to submit an application for variation by the date above will be treated seriously and likely to result in further enforcement action, including a requirement to dispose of the land.
10. Should you wish to discuss any matters referred to in this letter prior to 23 December 2020, please do not hesitate to get in touch with us.
11. We will not be publishing this compliance letter but note that it is subject to the Official Information Act 1982.

Yours sincerely

[s 9(2)(a)]

Davinnia Tan
Senior Solicitor
Overseas Investment Office

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