

**From:** [David Falconer](#)  
**To:** [Eva Hansen](#)  
**Cc:** [Kirsty Hulena](#); [Natasha Wall](#); [Emma Bailey](#)  
**Subject:** RE: MfE comment on draft conditions for SIRRL transaction  
**Date:** Friday, 26 January 2024 12:32:00 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.jpg](#)  
[image008.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)

---

Thanks Eva,

It will depend on what conditions the Environment Court will place on the resource consent if they grant it. They could put a reinstate/remediate condition on, but its up to the court. If they do put such a condition on the consent, then a breach of that condition will be subject to the enforcement provisions under the Resource Management Act 1991. Information on penalties can be found here: <https://www.environmentguide.org.nz/rma/enforcement/offences/>

I hope that helps.

Kā mihi

David

---

**From:** Eva Hansen <EHansen@linz.govt.nz>  
**Sent:** Thursday, January 25, 2024 9:00 AM  
**To:** David Falconer <David.Falconer@mfe.govt.nz>  
**Cc:** Kirsty Hulena <KHulena@linz.govt.nz>; Natasha Wall <NWall@linz.govt.nz>; Emma Bailey <EBailey@linz.govt.nz>  
**Subject:** RE: MfE comment on draft conditions for SIRRL transaction

Hi David

I have been assisting Emma with this application.

Would you be able to advise us whether the resource consent process requires the Applicant to reinstate the land or remediate any contamination concerns and what penalties could be imposed if they don't.

We would appreciate your advice by close of business Friday 26 January 2024.

Kind regards

**Eva Hansen**

**Customer Regulatory Specialist** | Assessment  
Overseas Investment



Christchurch Office, 112 Tuam Street  
Private Bag 4721, Christchurch 8140, New Zealand  
[www.linz.govt.nz](http://www.linz.govt.nz) | [data.linz.govt.nz](http://data.linz.govt.nz)



---

**From:** Emma Bailey <[EBailey@linz.govt.nz](mailto:EBailey@linz.govt.nz)>  
**Sent:** Friday, January 19, 2024 5:18 PM  
**To:** David Falconer <[David.Falconer@mfe.govt.nz](mailto:David.Falconer@mfe.govt.nz)>  
**Cc:** Kirsty Hulena <[KHulena@linz.govt.nz](mailto:KHulena@linz.govt.nz)>; Eva Hansen <[EHansen@linz.govt.nz](mailto:EHansen@linz.govt.nz)>; Natasha Wall <[NWall@linz.govt.nz](mailto:NWall@linz.govt.nz)>  
**Subject:** RE: MfE comment on draft conditions for SIRRL transaction

Thanks for coming back so promptly David. We'll incorporate suggested change to feedstock wording.

The applicant will have a chance to comment on appropriateness of the date for obtaining resource consent and, in the event the date becomes too challenging for them, they will be able to apply to vary conditions of the consent.

Many thanks!

Ngā mihi  
Emma

**Emma Bailey**  
Rōia ā-Tari Matua / Senior Solicitor  
Overseas Investment  
[ebailey@linz.govt.nz](mailto:ebailey@linz.govt.nz) DDI 04 462 4407



Wellington Office, Level 6, Radio New Zealand House, 155 The Terrace  
PO Box 5501, Wellington 6145, New Zealand  
[www.linz.govt.nz](http://www.linz.govt.nz) | [data.linz.govt.nz](http://data.linz.govt.nz)



---

**From:** David Falconer <[David.Falconer@mfe.govt.nz](mailto:David.Falconer@mfe.govt.nz)>  
**Sent:** Friday, January 19, 2024 5:04 PM  
**To:** Emma Bailey <[EBailey@linz.govt.nz](mailto:EBailey@linz.govt.nz)>  
**Cc:** Kirsty Hulena <[KHulena@linz.govt.nz](mailto:KHulena@linz.govt.nz)>; Eva Hansen <[EHansen@linz.govt.nz](mailto:EHansen@linz.govt.nz)>; Natasha Wall <[NWall@linz.govt.nz](mailto:NWall@linz.govt.nz)>  
**Subject:** RE: MfE comment on draft conditions for SIRRL transaction

Thanks Emma,  
Thanks for sending this through. I have spoken to my colleagues about this condition. We are happy with it, except it might be difficult to ensure there is absolutely no hazardous material in the feedstock (it depends on what people put in their rubbish bags/ wheelie bins/ landfill, which

we cannot always be 100% sure of). We think it is a good condition to prevent hazardous material being burned, but the wording might need to be tweaked. Maybe “ feedstock which has no more than incidental hazardous waste” or “it is designed to reduce the amount of hazardous material in the feedstock to the bear minimum” or something similar. I am happy to discuss.

There is a chance that the Environment Court may also impose conditions about the feedstock, but we can't be sure of that at this stage, so we support this condition as it will fill a gap, if the Environment Court does not put such a condition on and it is unlikely to conflict with any conditions from the Environment Court. Even if the EC condition is different, the applicant will need to comply with the strictest condition or both conditions, if needed.

I hope that helps. If you need anything more, please let me know.

I have also noticed that Special Condition 1 requires resource consent to be obtained by 31 March 2026. What happens if resource consent is not obtained by then. Can they apply for an extension to the deadline of that condition?

Have a good weekend.

Kā mihi  
David

**David Falconer**

Principal Analyst | Kaitātari Mātāmua

Resource Management System – Environmental Management and Adaptation

Ministry for the Environment | Manatū Mō Te Taiao

Level 2 (East Building), 335 Lincoln Road, Addington, Christchurch

027 243 3047 | [david.falconer@mfe.govt.nz](mailto:david.falconer@mfe.govt.nz) | [environment.govt.nz](http://environment.govt.nz)

*Ministry staff work flexibly by default. For me, this means I work from Ōtautahi/Christchurch. It also means you may receive an email outside of usual working hours. Please respond at a time that is convenient for you.*



---

**From:** Emma Bailey <[EBailey@linz.govt.nz](mailto:EBailey@linz.govt.nz)>  
**Sent:** Friday, January 19, 2024 1:11 PM  
**To:** David Falconer <[David.Falconer@mfe.govt.nz](mailto:David.Falconer@mfe.govt.nz)>  
**Cc:** Kirsty Hulena <[KHulena@linz.govt.nz](mailto:KHulena@linz.govt.nz)>; Eva Hansen <[EHansen@linz.govt.nz](mailto:EHansen@linz.govt.nz)>; Natasha Wall <[NWall@linz.govt.nz](mailto:NWall@linz.govt.nz)>  
**Subject:** MfE comment on draft conditions for SIRRL transaction

Hi David

Many thanks for providing the NI comments – I am working my way through the report and will be in touch if I have further questions.

In the meantime, we have prepared the draft conditions of consent for inclusion in the reports. These are of course subject to change and have yet to be seen by the decision makers or by the Applicant. You're welcome to review the special conditions in their entirety but the **specific condition we require input on is special condition 5**- which provides SIRRL must only use approved feedstock in its facility. We have attempted to define what approved feedstock and need some help with that. There are some comments in there which will steer you but essentially we are concerned with (1) limiting the supply of waste to the South Island and (2) providing some kind of limit on what gets fed into the facility on the basis that this doesn't appear to be covered by the resource applications?

Happy to discuss further if needed. If you are able to respond today that would be magic but otherwise, please 'reply all' to this email and someone from the team will pick it up next week (I'm on leave).

Many thanks  
Emma

---

This message contains information, which may be in confidence and may be subject to legal privilege. If you are not the intended recipient, you must not peruse, use, disseminate, distribute or copy this message. If you have received this message in error, please notify us immediately (Phone 0800 665 463 or [info@linz.govt.nz](mailto:info@linz.govt.nz)) and destroy the original message. LINZ accepts no responsibility for changes to this email, or for any attachments, after its transmission from LINZ. Thank You.