

From: [Emma Bailey](#)
To: [David Falconer](#)
Subject: RE: [REDACTED] Application received/consultation requested
Date: Tuesday, 1 August 2023 12:57:00 pm
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image014.png](#)
[image015.png](#)

Hi David

I hope you're well. I wondered if you had any update on when Minister Parker is expected to decide on whether to call in the South Island Resource Recovery Limited RMA applications?

Also, if the decision is called in, could you provide guidance on what the process is from there and how long it is likely to take? There is quite an overlap with our processes due to the need for us to assess the likelihood of the claimed benefits occurring (all of which are contingent on RMA consents at this point).

Happy to chat if that's easier (although only free today until 1.30pm).

Kind regards
Emma

From: David Falconer <David.Falconer@mfe.govt.nz>
Sent: Wednesday, July 12, 2023 10:12 AM
To: Emma Bailey <EBailey@linz.govt.nz>
Subject: RE: [IN-CONFIDENCE]RE: STRICTLY CONFIDENTIAL - Application received/consultation requested

Hi Emma,
Sorry I missed your call. Minister Parker is on leave, so he has not made a decision on the call in yet. He is back next week. Both Councils (Environment Canterbury and the Waimate District Council) and the Applicant have requested Minister Parker call the consent in.

Kā mihi
David

David Falconer

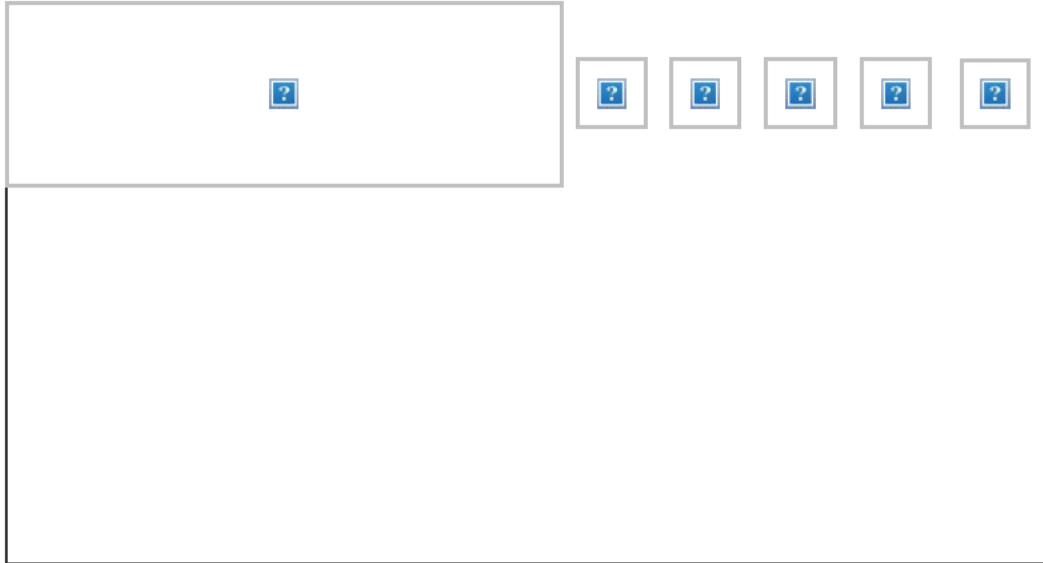
Principal Analyst | Kaitātari Mātāmua

RM System Performance – Policy Implementation and Delivery

Ministry for the Environment | Manatū Mō Te Taiao

027 243 3047 | david.falconer@mfe.govt.nz | 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>
Sent: Thursday, June 15, 2023 4:15 PM
To: David Falconer <David.Falconer@mfe.govt.nz>
Cc: Natasha Wall <NWall@linz.govt.nz>
Subject: RE: [IN-CONFIDENCE]RE: STRICTLY CONFIDENTIAL - Application received/consultation requested

Hi David

Yes that's correct. He has determined that the transaction could be contrary to NZ's national interest and has therefore called it in under section 20B as a transaction of national interest.

Cheers
Emma

From: David Falconer <David.Falconer@mfe.govt.nz>
Sent: Thursday, June 15, 2023 4:11 PM
To: Emma Bailey <EBailey@linz.govt.nz>
Cc: Natasha Wall <NWall@linz.govt.nz>
Subject: RE: [IN-CONFIDENCE]RE: STRICTLY CONFIDENTIAL - Application received/consultation requested

Hi Emma,
Just so we get the wording right for the briefing to Minister Parker, Has Minister Robertson decided it is a transaction of national interest under section 20B of the Overseas Investment Act 2005, and could be contrary to New Zealand's national interest?

Kā mihi
David

David Falconer
Principal Analyst | Kaitātari Mātāmua
RM System Performance – Policy Implementation and Delivery
Ministry for the Environment | Manatū Mō Te Taiao
027 243 3047 | david.falconer@mfe.govt.nz | 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>

Sent: Thursday, June 15, 2023 2:05 PM

To: David Falconer <David.Falconer@mfe.govt.nz>

Cc: Natasha Wall <NWall@linz.govt.nz>

Subject: RE: [IN-CONFIDENCE]RE: STRICTLY CONFIDENTIAL - Application received/consultation requested

Hi David

Many thanks for your time earlier today.

I confirm you are free to inform your team and Minister Parker that SIRRL's application to Overseas Investment was called in for a Ministerial decision by Minister O'Connor (on 29 May 2023). In addition, it was called in by Minister Robertson on discretionary national interest grounds (on 28 May 2023) and will therefore go through a national interest assessment process in due course.

We wrote to the Applicant on 31 May 2023 to advise them of the above.

The OIO timeframe for making a decision in this case is now 130 working days and therefore the current statutory deadline for an OIO decision is 4 December 2023.

Thank you for providing your initial high level comments on this case. We would appreciate it if you can keep us informed of developments in relation to this case (to the extent that you are able to).

Kind regards

Emma

From: Regan Brash <Regan.Brash@mfe.govt.nz>
Sent: Tuesday, May 30, 2023 8:54 AM
To: Emma Bailey <EBailey@linz.govt.nz>; David Falconer <David.Falconer@mfe.govt.nz>
Cc: Natasha Wall <NWall@linz.govt.nz>
Subject: [IN-CONFIDENCE]RE: STRICTLY CONFIDENTIAL - Application received/consultation requested

Kia ora Emma,

[@David Falconer](#) is taking this forward for MfE, so please feel free to get in touch with him if needed.

Regan

Regan Brash (she/her)
*Project Lead | Kaiwhakahaere
Climate Change Adaptation*

Ministry for the Environment | Manatū Mō Te Taiao
0220189724 | regan.brash@mfe.govt.nz | mfe.govt.nz

Ministry staff work flexibly by default. For me this means, you may receive an email outside of usual working hours – this works for me. Please respond at a time that is convenient for you.



From: Emma Bailey <EBailey@linz.govt.nz>
Sent: Thursday, May 25, 2023 6:00 PM
To: Regan Brash <Regan.Brash@mfe.govt.nz>
Cc: Natasha Wall <NWall@linz.govt.nz>
Subject: FW: STRICTLY CONFIDENTIAL - Application received/consultation requested

Kia ora Regan

I'm part of the assessment team at the Overseas Investment Office and I'm currently assessing an application that has already garnered considerable media interest. This project is referred to as Project Kea in the media.

The Applicant is South Island Resource Recovery Limited (**SIRRL**), which is 60% foreign owned. SIRRL is seeking consent to acquire approximately 14.85 hectares of sensitive land (currently part of a dairy farm) in Waimate, Canterbury under the farm land benefit to New Zealand test. SIRRL intends to establish New Zealand's first ever energy-from-waste plant on the land. As part of the assessment process, we wish to consult with the Ministry for the Environment.

Can you please confirm whether you are the appropriate contact for MfE for this consultation and/or whether we should also be consulting with other people within MfE? We will also be consulting with the Department of Conservation, Herenga a Nuku (OAC), Environment Canterbury and the Waimate District Council in relation to this application.

We require consultation feedback from MfE in relation to this application no later than **Friday 23 June 2023** in order to meet our own statutory timeframes. This is in line with agreed business rules between LINZ and partner agencies of 20 working days for applications of 100 working days. We are happy to arrange a Teams meeting or an in-person meeting if that is easier than providing advice via email. Please let me know as soon as possible if the timeline is likely to be an issue.

By way of background, I've made some notes below. Please let me know if you have any questions or require any further information.

The Land

- located at Morven Glenavy Road, Waimate in Canterbury
- the land is 14.85 ha which is being subdivided from a 100% Kiwi owned dairy farm.
- Currently used for cattle grazing – it supports the current operation but is not a vital part of it due to its position (wedged between the Main South Railway and the road). It is therefore surplus to requirements.
- It is sensitive because it is non-urban land > 5 hectares.
- The land is farm land and therefore the applicant will need to satisfy the higher benefit threshold of the modified farm land benefit test.
- Land Use Classification is 3 and 4 (please see map at bottom of this email).

The Applicant's Plans

The Applicant intends to construct a waste-to-energy plant on the land. The land's position, close to the railway and major transport routes, is seen as critical to the success of the operation. The project involves 3 phases. The first phase will involve engineering and construction planning, procurement, sorting out road access, site preparations and foundations, establishing water bores, the KiwiRail siding, rail barrier crossings and NZTA road alignment and building the structure. The second phase will involve the commissioning of the plant, including fitout, road sealing and final works. The third phase involves the on-going operation of the plant, including employing and training staff.

The Applicant currently has resource consent applications with Environment Canterbury and the Waimate District Council relating to discharging contaminants into the air, discharge domestic wastewater to land, discharge stormwater from roofs, to take water for dewatering for excavation and construction, undertaking earthworks, storage and use of hazardous substances, constructing and operating an energy-from-waste plant, use of temporary construction buildings, installation and placement of signage and the provision of parking and access within the facility.

Once the plant has been built it will take waste from commercial and domestic waste suppliers, including councils and waste transfer stations and incinerate it to convert into electricity. The waste will be placed in a negative pressure bunker which eliminates odours. The plant will have a 7 step gas flue treatments system and plasma treatment for fly ash. All emissions will be required to meet air and noise standards.

The project is expected to involve approximately 9(2)(b)(ii), 300 jobs during the construction phase and 76 FTEs once the plant is up and running. The plant should consume approximately 365,000t of waste per annum and create a net output of 30MW each day as a local network embedded generator. The plant will generate its own electricity. It will produce ash for use in concrete and fertiliser, use technology which is new to New Zealand and recover waste that would otherwise go to landfill and become a significant source of carbon emissions.

Media reaction

If you google this subject you'll find lots of commentary about it. Having sifted through some of the articles it appears some of the negativity revolves around the potential health risks of incinerating waste and whether, by using waste as a source of energy (and requiring considerable amounts of it), it is contrary to the idea of reducing waste. On the other hand, there are also some positive references to reducing the significant landfill burden in New Zealand.

Please also find attached the following documents:

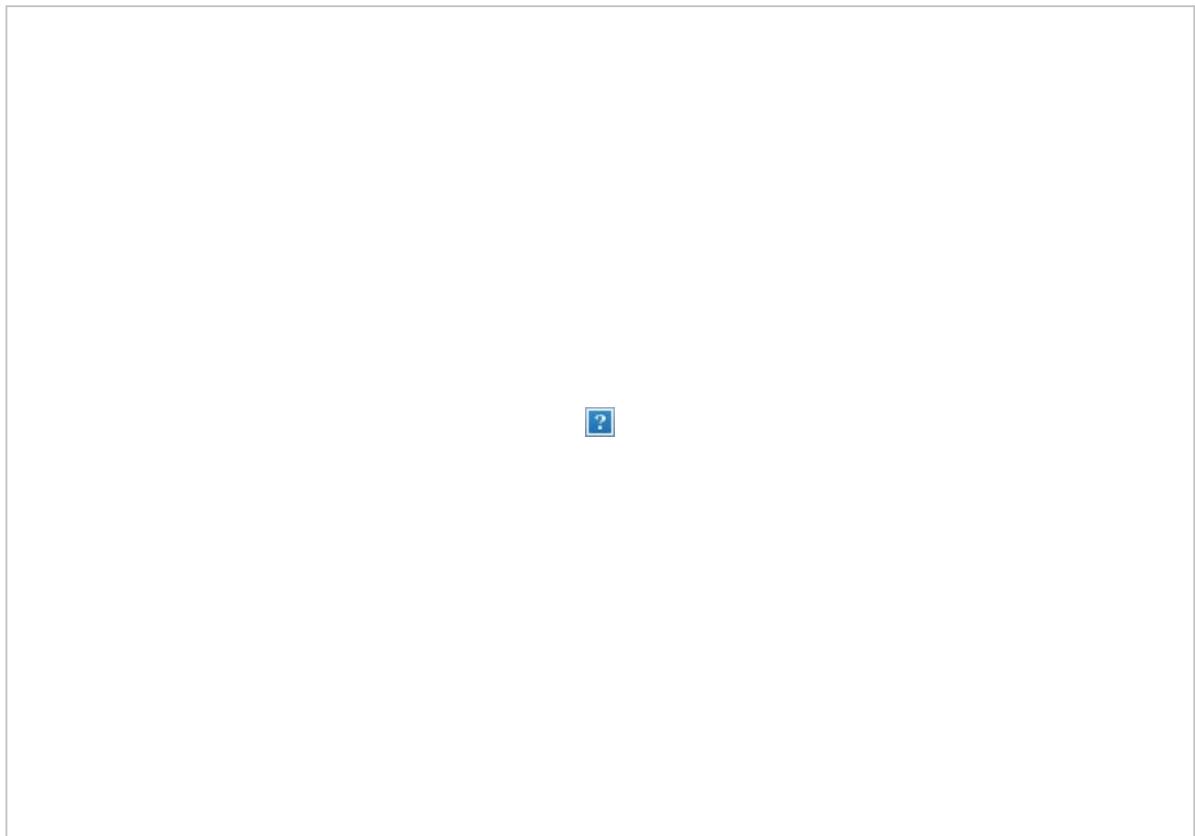
- our information sheet with further details about the consultation process, and what we are looking for from you in terms of a response;
- information about the benefit to New Zealand test;
- an aerial photo of the land
- a Planning Report prepared by Babbage and
- the Applicant's investment plan.

Please keep all details related to this application confidential.

We look forward to hearing from you.

Ngā mihi

Emma



Emma Bailey

Senior Solicitor

Overseas Investment Office

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 | data.linz.govt.nz



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) 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.