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Tēnā koutou katoa,

Waikato Regional Council Submission on the Hazardous Substances and New Organisms Amendment Bill

Thank you for the opportunity to submit on the Hazardous Substances and New Organisms Amendment Bill. Please find attached the Waikato Regional Council's (the Council's) submission, formally endorsed by the Council's Strategy and Policy Committee on **18 June 2026**.

Should you have any queries regarding the content of this document please contact Naomi Crawford, Team Leader, Policy Implementation directly on (07) 8584637 or by email naomi.crawford@waikatoregion.govt.nz.

Ngā mihi nui,

A handwritten signature in blue ink, appearing to read "Tracey May". The signature is stylized and includes a large flourish at the end.

Tracey May
Director Science, Policy and Information

Submission from Waikato Regional Council on the Hazardous Substances and New Organisms Amendment Bill

Introduction

1. We appreciate the opportunity to make a submission on the **Hazardous Substances and New Organisms Amendment Bill**.
2. From a regional planning perspective, this Bill introduces pivotal changes to biosecurity tools and toxic substance management that directly intersect with the Council's functions under the Waikato Regional Policy Statement (WRPS) and the Waikato Regional Plan (WRP).
3. The Council has unique Treaty Settlement responsibilities, primarily Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy), which is the primary direction-setting document for the Waikato and Waipā River catchments. Te Ture Whaimana requires the restoration and protection of the health and wellbeing of the river system, which must not be required to absorb further degradation from human activities.
4. The Council generally supports the intent of the Bill to streamline approval pathways, but seeks specific refinements to ensure operational alignment with regional environmental management.
5. In summary, the Council's submission:
 - a) Supports the establishing of rapid emergency approval pathways for biosecurity responses while seeking defined and timely notification requirements for all local authority interest areas.
 - b) Supports clearer national direction on Persistent Organic Pollutants (POPs) storage and disposal, provided it does not override stringent regional rules protecting vulnerable aquifers.
 - c) Supports formalising transshipment approvals with appropriate notification to regional councils to manage regional transport risks.
 - d) Supports the updated definition of "environmental medium" to align with integrated management principles.
 - e) Supports the explicit exclusion of regional councils from the Environmental Protection Authority's (EPA) new "step-in" enforcement powers.
6. The Council does not wish to be heard at this time in support of its written submission to the Hazardous Substances and New Organisms Amendment Bill. The Council appreciates the opportunity to provide these written comments and trusts that the feedback provided will assist the Select Committee in its consideration of the Bill.

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Support for EPA "Step-in" exclusions

The Council supports the exclusion of regional councils from the Environmental Protection Authority's (EPA) proposed "step-in" enforcement powers under clause 142 of the Bill (which inserts new section 99A(5)). **The Council supports** how this provision recognises the existing statutory roles of regional councils in managing the environmental effects of hazardous substances, which ensures that locally delivered enforcement functions are not unnecessarily displaced by central government intervention.

7. Within the Waikato region, the management of hazardous substances and associated environmental effects is clearly provided for through the Waikato Regional Policy Statement (WRPS) and the Waikato Regional Plan (WRP). In particular, implementation methods IM-M21 (Hazardous substances) and IM-M22 (Natural hazards) of the WRPS, alongside the established regulatory framework within the WRP, delineate the Council's responsibilities for managing discharges to air, land, and water, including within the coastal marine area and riverbeds. These provisions reflect a regionally tailored approach that responds to local environmental conditions and risks.
8. Notwithstanding this, the Council considers it important that the integrity of these established regional roles is maintained as the national regulatory framework evolves. The introduction of centralised enforcement powers, if applied to regional council functions, could create duplication, uncertainty, or misalignment between national and regional regulatory regimes, particularly in areas where councils have well-established expertise and operational systems.
9. Accordingly, the Council considers that applying EPA 'step-in' powers to regional councils is unnecessary, and that the exclusion in the Bill is required to maintain clarity of roles and responsibilities between the EPA and Regional Councils. Retaining regional enforcement functions ensures continued alignment with the WRPS and WRP, and supports effective, locally responsive management of hazardous substance effects within the Waikato Region.

Updated definition of 'environmental medium'

The Council supports the inclusion of an updated definition of "environmental medium" under clause 126 of the Bill (which inserts an updated definition into section 77B), which provides for air, water, soil, and surfaces.

10. The definition promotes alignment between national and regional regulatory regimes and aligns with the integrated resource management approach embedded within the WRP, which recognises the interconnected nature of environmental systems and the movement of contaminants across different media. The WRP was intentionally developed as a single, resource-based plan to manage these interactions holistically, avoiding artificial delineation between air, land, and water.
11. The updated definition provides important consistency between the national legislative framework and the regionally implemented planning framework, supporting coherent and effective management of hazardous substances and their environmental effects.

Broadening notification timeframes (clause 85 of the Bill (which inserts new section 53B))

The Council recommends that the Bill be amended to require the EPA to notify affected regional councils within a defined timeframe, such as within five working days of an application being received.

12. The Council acknowledges the notification requirements under clause 85 of the Bill (which inserts new section 53B) of the Bill, which require the Environmental Protection Authority (EPA) to notify

local authorities where they are likely to have an interest in Part 5 applications. The Council supports this provision, as it recognises the integrated nature of resource management and the role of regional councils in managing the environmental effects of hazardous substances across multiple environmental media.

13. Establishing a clear notification timeframe will provide greater planning certainty and support effective integration between national decision-making processes and regional regulatory responsibilities. The Council considers that the current provision would benefit from greater certainty regarding the timing of notifications. Without a specified timeframe, there is a risk that local authorities may not receive information in a timeframe that enables appropriate operational planning and response.

Streamlining regional pest management and ecological integrity

The Council recommends the Bill be amended to require that the EPA formally notify affected regional councils within five working days of an 'adverse event' approval being granted or a 'risk species' notice being issued. While the Bill proposes a necessary high-level notification loop, establishing this specific timeframe provides essential response readiness and allows for the necessary rapid alignment with regional biosecurity response protocols.

14. The Council supports the rapid emergency approval pathways established in the Bill for biological control tools and chemical treatments during a declared biosecurity 'adverse event' (under clauses 68 and 70 of the Bill, which update sections 46 and 48 of the HSNO Act 1996). Historically, central government processing delays have frequently hindered operational efficacy under the Waikato Regional Pest Management Plan. Accordingly, this alignment is strongly supported as it aligns with Objective ECO-O1 (Ecological integrity and indigenous biodiversity) and Policy ECO-P1 of the WRPS, which require the Council to promote positive biodiversity outcomes and safeguard the continued functioning of ecological processes.
15. Additionally, the Council acknowledges the introduction of an expedited notice system for designating 'risk species' under Part 5A. We recognise that clause 114 of the Bill (which inserts new section 73G(1)(a)(iii)) includes a requirement for the Environmental Protection Authority (EPA) to notify local authorities likely to have an interest before making a decision. However, we seek greater operational certainty to ensure rapid immediate alignment for regional biosecurity teams following such declarations.

Safeguarding contaminated land baselines

The Council recommends that the Authority clarify that national requirements relating to the storage and disposal of POPs, and the scope of substances captured through Schedule 2A, do not override or dilute more stringent regional plan provisions where these are necessary to give effect to local environmental management objectives and to manage region-specific risks.

16. While the Council supports greater national consistency in the management of POPs and the ability to respond more quickly to newly identified contaminants, it is important that the national framework does not limit the ability of regional councils to apply more stringent controls where justified by local environmental conditions. This is particularly relevant in areas with vulnerable aquifers, regionally significant water bodies, or sites affected by legacy contamination, where a higher level of protection may be required.

17. Within the Waikato context, matters relevant to this subject are addressed through Chapters 5.2 (Discharges onto or into land) and 5.3 (Contaminated Land) of the WRP. These provisions establish regionally specific consenting thresholds and controls to manage risks associated with chemical contaminants, including legacy contamination and potential impacts on soil, groundwater, and surface water. The WRP also provides the framework for identifying and managing known contaminated sites within the region, including those where historical use of hazardous substances continues to pose ongoing risks.
18. The proposed national provisions are broadly consistent with the objective of achieving improved environmental outcomes. The ability to update POPs lists more efficiently is particularly beneficial, as it supports a more responsive regulatory system that can better address emerging risks to soil and water quality. However, the introduction of nationally standardised requirements raises questions as to how these will interact with existing regional plan provisions, particularly where local conditions necessitate more stringent controls to address sensitive environments.

Regional transport risks and transshipment

The Council supports the inclusion of transshipment approval requirements under clause 51 of the Bill, which require persons to obtain approval prior to transshipping a hazardous substance or new organism through New Zealand. This provision introduces an additional safeguard over the movement of high-risk materials, such as bulk industrial chemicals or ammonium nitrate, and is particularly relevant to regions with significant freight movement and logistics activity.

The Council recommends that the Bill be amended to require the EPA to notify affected regional councils where transshipment approvals are granted, including sufficient information to support regional emergency management and response planning. Establishing a clear notification requirement will help ensure alignment between national regulatory processes and regional operational responsibilities.

19. The Waikato Region functions as a key freight movement node within the Upper North Island, with substantial volumes of hazardous substances transported through the region via the North Island Main Trunk rail corridor and major state highways. Given this context, the Council recognises the importance of ensuring that transshipment activities are appropriately regulated and supported by clear national direction.
20. The Council considers that the effectiveness of the transshipment approval regime will depend on the extent to which regional authorities are provided with timely and relevant information to support emergency response planning and situation awareness, particularly where hazardous substances are being transported through the region but may not originate or be destined for it.