

31 March 2023

Review of the Resource Management Infringement Offences Regulations
Policy Implementation and Delivery Division
Ministry for the Environment
PO Box 10362
Wellington 6143

By email: rmior.consultation@mfe.govt.nz

Tēnā koe,

DUNEDIN CITY COUNCIL SUBMISSION: REVIEW OF THE RESOURCE MANAGEMENT (INFRINGEMENT OFFENCES) REGULATIONS 1999

1. The Dunedin City Council (DCC) appreciates the opportunity to submit to the Review of the Resource Management (Infringement Offences) Regulations 1999 (the Regulations).

Submission

2. The DCC agrees in principle that infringement fines need to be increased. The Regulations are out of date and in many instances the fines are too low to be effective.
3. The DCC agrees in principle with option 2 of the discussion document. This option increases the infringement fines proportional to the maximum allowable fine, while increasing the proportionality of the infringement fines for contravention of an abatement notice and contravention of land use under sections 9(1) and 9(2).
4. The DCC requests that the Ministry for the Environment complete a more granular analysis on the drivers of non-compliant behaviour that results in infringement notices under the Regulations. A more sophisticated analysis considering the drivers and incentives of different behaviours should inform the increase in fines and any changes in the Regulations.
5. The DCC notes that it may not be effective for every infringement to raise fines proportionally to the maximum fine permitted by the Resource Management Act 1991 (RMA). Increasing all fines proportionally does not consider differences between infringement offences. Different infringement offences have different actors, drivers and causes. The DCC notes the drivers of a contravention of an excessive noise direction are often different to those of other infringements, such as contravention of a district rule.
6. The DCC recommends a review of noise control infringement offences to ensure they are still fit for purpose. The DCC notes that very few infringement notices are issued due to a contravention of an excessive noise direction in New Zealand. The DCC understands this is because it is difficult for noise control officers to ascertain the name of offenders. Other regulatory tools such as seizure and its associated fees are relied on by noise control officers for enforcement.

7. The DCC supports the addition of infringement fines for businesses as a separate class of infringement fines to natural persons.
8. The DCC recommends the consideration of additional fines to provide for a more graduated system of infringement fines, in response to the severity of behaviour.
9. A more graduated system of fines provides regulators, including local government, with more flexibility to respond to the eclectic behaviours that result in non-compliance with the resource management system.
10. The DCC recommends MfE engage with Māori on what changes are appropriate to the infringement notices system. The DCC is committed to the principles of the Treaty of Waitangi and to working in partnership with mana whenua and mātāwaka.

Conclusion

11. The DCC thanks you for the opportunity to submit on Review of the Resource Management (Infringement Offences) Regulations 1999.

Yours faithfully,



Jules Radich
MAYOR OF DUNEDIN