

Submission policy: consultation in accordance with the Local Government Act 2002

Purpose

This policy sets out guidance and provides clarity around the process for receiving submissions on consultations carried out in accordance with the Local Government Act 2002 (LGA).

Scope

This policy applies to submitters, elected members and Northland Regional Council staff alike.

This document only relates to submissions made on consultations carried out in accordance with the requirements of the LGA, other consultations that default to LGA processes, or voluntary processes where submissions are invited. For information on submissions made under the RMA on a regional plan or plan change, see [this guide](#) from the Ministry for the Environment.

Introduction

The Northland Regional Council frequently consults with residents, ratepayers, organisations and interested parties prior to making decisions – particularly if those decisions are significant¹.

There are three types of submissions that we receive:

- Those made under legislation that sets out specific consultation requirements (e.g. the Resource Management Act 1991 (RMA)), such as submissions on a regional plan, a regional policy statement or on a notified resource consent application;
- Those made under legislation that defers to the consultation processes set out in the Local Government Act 2002 (LGA), such as submissions on a long term or annual plan, a bylaw, some policies, a representation review, or a regional transport plan; OR
- Those made in response to a voluntary consultation that we've carried out, outside of any legislative requirements.

Strategic Context

Northland Regional Council's Vision and Mission, as stated in the 2018 – 2028 Long Term Plan is:

Our Vision: Our Northland – together we thrive.

Our Mission: 'Working together to create a healthy environment, strong economy and resilient communities'.

The promotion and practice of good policy is a crucial element in delivering our vision and mission and achieving the specified community outcomes. This policy aligns to the efficient and effective service delivery, carried out and managed in all the activity areas.

Our values of strong decisive leadership, one high performing team, customer focus, integrity, transparency and accountability affirm the importance of policy direction and recognises that this is a fundamental corporate function.

¹ Please refer to our Significance and Engagement Policy on page 197 of our Long Term Plan 2018-2028 www.nrc.govt.nz/LTP2018



What will this policy achieve?

This policy seeks to:

- Provide minimum standards for receiving submissions and managing the privacy of submitter details;
- Identify 'out of scope' submissions and how decision makers should consider these;
- Formalise our stance on accepting late submissions; and
- Uphold the principles of consultation set out in section 82 of the LGA.

In achieving the above, this policy will provide both assurance to submitters that they are treated consistently and fairly; and greater certainty, clarity and common understanding for submitters, elected members and staff in our process for receiving submissions.

The details

Submission standards:

1. For a submission to be accepted, at a minimum it must include the submitter's name, and either an email address, a physical address, or a phone number. Anonymous submissions therefore won't be accepted.
2. Submissions that use profanity will not be accepted.
3. All submissions must be legible, and staff won't be held responsible for misinterpreting a semi-legible submission.
4. Pro-forma submissions, (e.g. multiple submissions with identical content), will be presented to decision makers as a single submission with all submitters' names and a tally at the top. These submissions may not all be made publicly available on our website, rather a single version of the submission with a tally and submitter names will be displayed. However, all submissions will still be counted individually.
5. Submissions that include lengthy and/or large attachments may not have the attachments included in the final submission book produced for decision makers, however decision makers will be provided with alternative access to the attachment.
6. Decisions resulting from (1) – (5) above are at the discretion of the Project Owner*.
7. Where a submission is not accepted, and where it's possible to do so, the submitter will be advised. This is the responsibility of the Project Owner.

**The Project Owner is the person ultimately responsible for the project and will be specifically defined for all consultation projects.*

Privacy considerations:

1. In order to provide a transparent process, all submissions received on a consultation will be published on our website, including any personal information contained within a submission.
2. The exception to (1) above will be where a submitter contacts council with extenuating circumstances for withholding personal information, and we may remove their private information prior to publishing the submission. This is at the discretion of the Project Owner.
3. Council will ensure that our privacy statement is provided to submitters prior to submissions being published by following the steps outlined in our internal privacy statement protocol.



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'Out of scope' submissions

1. Where an annual plan is being consulted on, a consultation document will be produced that clearly identifies the topic/s of consultation, being only significant or material differences from the relevant long term plan.
2. If submissions are received that don't make specific reference to the topic/s outlined in the consultation document in (1) above, or if they are not relevant to the topic/s being consulted on in any annual plan or other relevant consultation, they will be considered 'out of scope'. This is at the discretion of the Project Owner.
3. Matters raised in 'out of scope' submissions will be presented to decision makers in a separate staff report and may be weighed differently to 'in scope' matters. This is at the discretion of decision makers.
4. Those matters not considered will be recorded and made available for consideration in the early planning stages of the following long term plan.
5. Council has the discretion to consider any submission received during a consultation process, provided it isn't constrained by any legal requirement.

Late submissions

1. All publicly notified consultations will specify a period for receiving submissions with a clear closing date.
2. Any submission, or modification to a previously submitted submission, received after the date specified in (1) above will be considered a 'late submission'.
3. Accepting or refusing a 'late submission' is at the discretion of the Project Owner, who will take into consideration:
 - a) The impacts on the decision making timeframes, including any unfair disruption in the process for other submitters or decision makers (including the production of submission books), or the administrative practicality given any relevant circumstances of that consultation process.

NB: submissions received after the start of any related hearing won't be accepted.
4. Where a 'late submission' is refused, and where it's possible to do so, the submitter will be advised.
5. Council has the discretion to extend the period for receiving submissions on any matter being consulted on, provided it isn't constrained by any legal requirement.
6. While the Project Owner has the discretion to refuse a 'late submission' in (3) above, this decision must be signed off by the Group Manager for Strategy, Governance and Engagement.



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Policy Owner and author

Policy owner:

Jonathan Gibbard

Policy author:

Robyn Broadhurst, Policy Specialist

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