

Feedback (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/feedback on consultations carried out in accordance with the Local Government Act 2002 (LGA).¹

Scope

This policy applies to the public, elected members, and Northland Regional Council staff.

This policy only relates to feedback made on consultations carried out in accordance with the requirements of the LGA, other consultations that default to LGA processes, or voluntary processes where feedback is 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 the public prior to making decisions – particularly if those decisions are significant².

There are three types of feedback that we receive:

- 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;
- Under legislation that defers to the consultation processes set out in the Local Government Act 2002 (LGA), such as feedback on a long term or annual plan, a bylaw, some policies, a representation review, or a regional transport plan; OR
- In response to a voluntary consultation that we've carried out, outside of any legislative requirements.

What will this policy achieve?

This policy seeks to:

- Provide minimum standards for receiving feedback and managing the privacy of submitter details;
- Identify 'out of scope' feedback and how this will be considered by decision makers;
- Formalise the process for acceptance of late feedback (if accepted at all);
- Uphold the principles of consultation set out in section 82 of the LGA;

¹ The reference to feedback throughout this policy includes submissions.

² Please refer to our Significance and Engagement Policy on page 176 of our Long Term Plan 2021-2031 [Te Mahere Roa | Long Term Plan 2021-2031 \(nrc.govt.nz\)](#)



- Provide assurance to submitters that they are treated consistently and fairly; and
- Provide greater certainty, clarity and common understanding for submitters, elected members, and staff in our process for receiving feedback.

The details

Feedback standards

1. For a submission/feedback to be accepted it must, at a minimum, include the submitter's name, and either an email address, a physical address, or a phone number. Anonymous feedback will not be accepted.
2. Feedback containing profanity and/or offensive language will not be accepted.
3. Feedback must be legible - staff are not responsible for misinterpreting a semi-legible submission.
4. Pro-forma feedback forms, (e.g. multiple feedback forms with identical content), will be presented to decision makers as a single form with all submitters' names and a tally at the top. This feedback may not all be made publicly available on our website, and instead a single version of the form with a tally and submitter names will be displayed. Feedback forms will still be counted individually, regardless of whether they have been incorporated with other feedback.
5. Feedback that includes lengthy and/or large attachments may not have the attachments included in the final feedback 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. If feedback is not accepted by the Project Owner, the submitter will be advised of non-acceptance as soon as reasonably practicable, and provided it is possible to do so.

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

Privacy considerations

1. To provide a transparent process, all feedback received on a consultation will be published on our website, including any personal information contained within the feedback.
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 feedback. This is at the discretion of the Project Owner.
3. Council will ensure that our privacy statement is provided to submitters prior to feedback being published by following the steps outlined in our internal privacy statement protocol.
4. Council use an external/independent system for efficient and effective management of a consultation process, and storage of feedback. Submitters are automatically registered to the system when providing feedback and may receive automated emails as a result. Once registered, submitters can manage their own preferences regarding what emails they receive.

'Out of scope' feedback

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 feedback is received that does not make specific reference to the topic/s outlined in the consultation document in (1) above, or if it is not relevant to the topic/s being consulted on

in any annual plan or other relevant consultation, it will be considered 'out of scope'.
Decisions on 'out of scope' feedback is at the discretion of the Project Owner.

3. Matters raised in 'out of scope' feedback will be presented to decision makers in a separate staff report and may be weighed differently to 'in scope' matters. Weighting 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 feedback received during a consultation process, provided it isn't constrained by any legal requirement.

Late feedback

1. All publicly notified consultations will specify a period for receiving feedback with a clear closing date.
2. Any feedback, or modification to previously submitted feedback, received after the date specified in (1) above will be considered 'late feedback'.
3. Accepting or refusing 'late feedback' is at the discretion of the Project Owner, who will consider the impacts on the decision-making timeframes, including any unfair disruption in the process for other submitters or decision makers (including the production of feedback books), or administrative practicality given any relevant circumstances of that consultation process.
NB: feedback received after the start of any related hearing will not be accepted.
4. Where 'late feedback' is refused the submitter will be advised as soon as reasonably practicable, and provided it is possible do so.
5. Council has the discretion to extend the period for receiving feedback 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 'late feedback' in (3) above, this decision must be signed off by the Group Manager for Corporate Services.

Document approval

The approval for distribution and use of this policy has been delegated as per the document information:

Document information:

	Information
Document ID:	DMHUB-840458549-1102
Document version:	Version 5
Document name:	Feedback policy: consultation in accordance with the Local Government Act 2002
Approved by:	Full council
Date approved:	18 February 2020
Policy Owner:	Bruce Howse
Policy Author:	Robyn Broadhurst, Policy Specialist and Nicola Hartwell, Legal Advisor
Group:	Corporate Services
Date policy published:	28 February 2020
Date policy created:	July 2019
Date policy reviewed:	23 May 2023 (approved by full council)
Review date:	Three yearly or as required

Document history:

Version	Issue date	Notes
3.0	02/2020	Third edition - rewrite
4.0		Fourth edition – review and update
5.0		Fifth edition – review and update
6.0	23/06/2023	Finalisation of tweaks following council approval.