

# 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 Hawke's Bay 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 the guide from the Ministry for the Environment.

### Introduction

The Hawke's Bay Regional Council frequently consults with residents, ratepayers, organisations and interested parties prior to making decisions – particularly if those decisions are significant<sup>1</sup>.

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.

### 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.

---

<sup>1</sup> Please refer to our Significance and Engagement Policy found at [hbrc.govt.nz](https://hbrc.govt.nz) search: #ltp

## The details

### Submission standards:

1. For a submission to be accepted, at a minimum it must include either an email address, or a physical address. This enables us to acknowledge receipt as required under the LGA.
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 will be collated into a Submissions Report so may not be presented in the exact format they are received.
6. Submissions that include lengthy and/or large attachments may not have the attachments included in the final Submissions Report produced for decision-makers, however decision-makers will be provided with alternative access to the attachment.
7. Only one submission per person or organisation will be accepted. If more than one is received, the most recent submission will be accepted and/or content will be combined if different commentary is made.
8. (1) – (7) above are at the discretion of the Project Owner\*.
9. Where a submission is not accepted, and where it's possible to do so, the submitter will be advised of this and invited to re-submit. 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:

10. Submissions are public information. In order to provide a transparent process, the submitter's name and feedback will be included in public documents as part of the decision-making process and will be published on our website. Other personal contact details will remain private. This information will be held by HBRC but only used for the purpose of the consultation process.
11. We reserve the right to redact personal information of others contained within the body of a submission.
12. Council will ensure that our privacy statement is provided to submitters prior to submissions being published, for example a privacy statement on the submission form.

### 'Out of scope' submissions

13. Where a long term plan, annual plan or policy document is being consulted on, a consultation document will be produced that clearly identifies the topic/s of consultation
14. If submissions are received that don't make specific reference to the topic/s outlined in the consultation document above, or if they are not relevant to the topic/s being consulted on, they will be considered 'out of scope'. This is at the discretion of the Project Owner.
15. Matters raised in 'out of scope' submissions will be presented to decision makers in a staff report and may be weighed differently to 'in scope' matters. This is at the discretion of decision makers.
16. Council has the discretion to consider any submission received during a consultation process, provided it isn't constrained by any legal requirement.

### **Feedback received on social media**

17. Comments received on social media posts will be provided to decision makers, however, will not be included

### **Late submissions**

18. All publicly notified consultations will specify a period for receiving submissions with a clear closing date.
19. Any submission, or modification to a previously submitted submission, received after the date specified in (18) above will be considered a 'late submission'.
20. 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 of 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.
21. Where a 'late submission' is refused, and where it's possible to do so, the submitter will be advised.
22. 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.
23. While the Project Owner has the discretion to refuse a 'late submission' in (20) above, this decision must be signed off by the Manager, Strategy and Governance.

-ENDS-