

Submission Policy

Te Kaupapa Here Tāpaetanga

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1.0 Introduction - *Kupu Arataki*

Submissions made by the community to Whakatāne District Council (the Council) are an important part of the Council’s decision-making processes.

The Council frequently engages and consults with the public on proposals or matters affecting the community, particularly if those decisions are significant.

2.0 Background - *He tirohanga whakamuri*

Submissions are one of the main ways the Council can be better informed of community views on an issue and consider them as part of their decision-making.

The policy provides clarity around the process for receiving submissions/feedback on engagements and consultations carried out in accordance with the Local Government Act 2002 and outlines the Council’s process for acceptance of late submissions/feedback (if accepted at all).

This policy helps provide assurance to submitters that their feedback and submissions are treated consistently and fairly.

3.0 Objective - *Ngā whāinga*

The objectives of this policy are:

- a) Meeting the requirements and principles of consultation within the Local Government Act 2002
- b) Facilitating public participation
- c) Supporting transparent and inclusive decision-making
- d) Ensuring consistency and fairness
- e) Protecting ethical standards and privacy
- f) Improving policy quality

4.0 Definitions – *Ngā tikanga o ngā kupu*

Consultation means the process generally required by statute or triggered by the Significance and Engagement Policy. This process is generally timebound, transactional and asking for feedback on a Council proposal, to enable public participation. This process aids and informs decision-making.

Council means the Whakatāne District Council.

Defamatory language/ content means a term used to describe statements or content that are untrue, slanderous, or libelous, and that can cause real damage to a person's reputation.

Discriminatory language/ content means words, phrases or content that tends to stereotype individuals, groups, races, or nationalities. Words to treat someone unfairly or put them at a disadvantage based on their race, age, gender, sexual orientation, or disability.

Engagement means a term used to describe the process of listening to inform decision making and is often informal and built on relationships. This process involves seeking input from or involving the community, particularly those affected by or interested in a decision to inform and assist in the process of developing proposals.

Formal feedback means a structured, planned, and documented way of communication. Council usually refers to this as a submission.

Informal feedback means casual, spontaneous, or unscheduled forms of communication.

Late submissions means any submissions, or modifications to a previous submission, received after the closing date specified in the consultation process.

Offensive language/ content refers to language that is intended to upset or embarrass people, or that is harmful, hurtful, or discriminatory. Offensive language could include swearing, vulgarisms, discriminatory language, sexual expletives and be based on factors like race, ethnicity, gender, religion, or sexual orientation.

Redacted means to obscure, censor or edit (confidential/sensitive parts of text) before publication or distribution.

Submission means formal feedback to the Council from an individual or an organisation/group in response to a proposal or matter, upon which a decision is required by the Council.

Threatening language/ content means language/content that expresses a sense of danger, harm, or aggression towards a person or group. It could be verbal or written, and could include intimidation, force, or an attempt to manipulate.

5.0 Policy - *Te kaupapa here*

5.1 Scope

The policy applies to any organisation, member of the public, councillors and council employees making a submission on a consultation carried out in accordance with the Local Government Act 2002. The policy may also be used for other areas of legislation. It does not cover submissions under the Resource Management Act 1991, where a separate process is required by legislation.

This policy relates to the receiving and processing of submissions through the Council's consultation process, including submissions received under the Local Government Act 2002 (including Annual Plans and Long Term Plans). The principles in this policy may also be used for other areas of legislation.

This policy also does not apply to submissions that the Council, or staff, make to consultations not undertaken by Whakatāne District Council.

5.2 What is a submission

A submission is formal feedback to the Council from an individual or an organisation/group in response to a proposal or matter upon which a decision is required by the Council. It is one of the main ways the Council can be better informed by community views on an issue and consider them in their decision making.

A submission does not include ad hoc or informal feedback provided to the Council. This includes comments received on the Council's social media platforms or comments made in the wider media or non-council social media platforms.

However, copies of comments made on the Council's social media posts that directly relate to a submission may be provided to decision-makers for wider context during deliberations. Councillors can choose to have some regard for these comments during deliberations.

5.3 Who can make a submission?

Anyone can make a submission regardless of their age or place of residence. You don't need to be a ratepayer to make a submission. Submissions can be made by individuals or representatives of an organisation, group, or agency.

5.4 Public documents

Submissions received by the Council are public documents which are used for obtaining feedback. Whilst personal contact details and demographic information will usually be redacted from any publicly available copy, the submitter's name will be published, unless the submitter requests otherwise. Relevant Council employees and persons making the decision (e.g. elected members or anyone else who has been appointed to make the decision) will have access to unredacted versions of submissions. Submissions will be kept in accordance with the Public Records Act 2005.

While contact details of a submitter will not usually be published, Council may provide full copies of submissions, if requested through the Local Government Official Information and Meetings Act 1987 (LGOIMA), or if required by any other enactment. However, the Council reserves the right to withhold or redact information from submissions under Section 7 of the LGOIMA. Furthermore, the public may be excluded from meetings to prevent the public disclosure of information, where any of the grounds for exclusion under Section 48 of LGOIMA apply.

5.5 Privacy considerations

All information is held by the Council in accordance with the Privacy Act, 2020. Submitters have the right to access and correct personal information.

5.6 Accepted submission methods

The Council provides submission forms in a range of formats which are available online or in hardcopy.

Submissions can be received:

- online via our website
- by email
- by post to Whakatāne District Council, Civic Centre, 14 Commerce Street, Whakatāne;
- hand delivered to
 - Whakatāne District Council, Civic Centre, Commerce Street, Whakatāne
 - Murupara Service Centre, Pine Drive, Murupara
- orally at a hearing

5.7 Accepted submission formats and languages

Whakatāne District Council will accept submissions that are:

- Written or spoken in English.
- Written or spoken in te reo Māori.
- Presented in New Zealand Sign Language (NZSL).
- Recorded as video or audio files.

If you are planning to speak to your submission in te reo Māori or NZSL at a hearing, please inform the Council at least **ten working days** prior to the hearing. This notice period enables the Council to arrange for a professional interpreter with appropriate qualifications, ensuring that communication is accurate, respectful and inclusive.

The Council can provide assistance to people who need help to make a submission. However, guidance on the content of a submission cannot be provided by the Council's staff or councillors.

5.8 Other ways to have your say

We encourage our community to make formal submissions when the Council is consulting on an issue or matter.

Where relevant and appropriate during the consultation period, the Council may provide additional opportunities for the community to have their say. This may include community drop-in sessions, workshops, or suggestion boxes. These opportunities are dependent on the type of consultation and engagement required as outlined in the Significance and Engagement Policy.

5.9 Submission content conditions

The Council reserves the right to remove from consideration any submission, in part or in full, that contains content that is determined to be of the following nature:

- Contains offensive language including profanity.
- Discriminatory, or defamatory.
- Personal threats or harassment of the Council or staff members.

Additionally:

- Anonymous submissions will not be accepted.
- All submissions must be legible (staff are not responsible for misinterpreting a semi-legible submission).
- If the submission does not make specific reference to the topic(s) outlined in the consultation document or statement of proposal, or if they are not relevant to the topic(s) being consulted on, they may be considered 'out of scope.'
- Pro-forma submissions (e.g. multiple submissions with identical content) will likely be presented to decision-makers as a single submission with all submitters' names and a tally of total numbers.
- Feedback that includes very lengthy and/or large attachments may not have the attachments included in the final feedback report for decision makers. However, decision makers will be provided with alternative access to the attachment.

If there is information that is confidential or sensitive and included in a submission, we recommend this to be specified in the submission.

5.10 Submission minimum criteria

To be considered and valid, all submissions must include:

- First and last names.
- Organisation name, if the submission is on behalf of a business or organisation.

We ask for this information to ensure that it is a fair and transparent process. For example:

- We need to know if someone is trying to have more than one opportunity to have their say to ensure the results can be presented as accurately as possible.
- It would be considered a conflict of interest if a councillor (or their organisation/business) was to submit on a proposal then participate in the decision on the proposal.

The Council encourages all submitters to provide contact details so that you can be contacted if we have a question about your submission.

5.11 Submitters who wish to be heard

If you want to participate in a Council hearing process (offered as an opportunity to be heard by the Council or to speak to your submission in some consultation processes) you will need to at least provide an:

- email address.
- and/or telephone number.

This will enable us to contact you to schedule a hearing time and provide you will a copy of our hearing procedure.

In the case of consultations with hearings, submitters who have stated they wish to be heard will be notified of the start date, time and locations of the hearing as early as practically possible before the hearing commences.

Speakers will be given the opportunity to present in person or online.

Hearings will be open to the public and will be livestreamed via a relevant platform.

Submitters may be allocated a speaking time and a set length of time to cover the main points of their submission. Before the hearing starts, the chairperson will outline how the hearing will be conducted. This may include who may speak, at what time, and for how long.

Speaking times:

- Individual submitters will generally be allocated less than 10 minutes to present to councillors, which includes time for questions and answers.
- Community Boards/Organisations will generally be allocated 15 minutes to present to councillors, which includes time for questions and answers.
- Additional time may be granted, at the discretion of the chairperson of the Hearings Committee/Panel.
- Where an individual has made a submission as part of a group or organisation and as an individual, they may be able to speak to their individual submission at a separately allocated time.

5.12 Late submissions

All publicly notified engagements and/or consultations will specify a period for receiving feedback with a clear closing date.

Any submissions, or modifications to a previous submission, received after the date specified will be considered “late.”

Acceptance of late submissions will be at the Council's discretion. Submissions which are received after the close-off date may be accepted subject to a Council resolution at the beginning of the hearing or deliberations process.

In deciding whether to accept late submissions, the Council will consider these points:

- The submission is received at a point in the process where the Council deems it not practical to consider the submission (e.g. if it's received too late for staff to summarise the matters raised before hearings begin, and it would therefore cause unreasonable delay in adopting any plan or policy or in making any Council decision).
- The submitter will have an unfair advantage over others (e.g. by having substantially more time or more information than other submitters).
- The late submission has already been covered by another submission.
- The late submission is considered out of scope (e.g. not relevant to the topic consulted on).

5.13 Withdrawing submissions

If submitters wish to withdraw their submission, they should do so within the consultation period. This can be done by submitting a written request instructing the withdrawal of the submission.

6.0 Accountability - *Ngā haepapa*

The Whakatāne District Council is responsible for the application of this policy.

7.0 Review - *Te arotake*

This policy will be reviewed every five years.