

Acceptance of Late Submissions Policy

Adopted: 26 November 2015
Commences: 1 December 2015
Review date: 1 December 2020

1.0 INTRODUCTION

This policy sets out the intended practice for the Whakatane District Council (the "Council") with regard to the acceptance of late submissions under the Local Government Act 2002 ("LGA").

2.0 OBJECTIVES

The objectives of this policy are:

- a) To formalise the Council's policy on the acceptance of late submissions under the LGA.
- b) To meet the requirements and principles of consultation within the LGA.
- c) To provide greater certainty and clarity for submitters and elected members.

3.0 BACKGROUND

The Council signalled a desire to formalise the Council's policy on the acceptance of late submissions. Previously there has been a common practice taken whereby submissions received past the close-off point are generally accepted, subject to a Council resolution at the beginning of the hearings process.

Under the Resource Management Act 1991 ("RMA"), the criteria for consideration of late submissions is stipulated quite specifically. This includes considering the impact on the decision-making process, both administratively and ensuring fair and balanced consultation.

The RMA provides enough guidance around late submissions that it does not require further definition; however, the LGA is relatively open to interpretation. To provide greater certainty and clarity to submitters and elected members, a set of criteria, similar to those specified in the RMA are set out in this policy.

4.0 POLICY

4.1 Principles

4.1.1 The principles that underlie this policy include:

- a) Consistency across all submitters and across all consultation processes; and
- b) Overall fairness.

4.1.2 In line with the principles of consultation under the LGA, accepting late submissions enables a full range of options to be available and ensures that submitters are heard.

4.2 Acceptance of Late Submissions

4.2.1 Submissions which are received after the close-off date stipulated in the public notice may be accepted subject to a Council resolution at the beginning of the hearing or deliberations process (if applicable). This ensures that a full range of opinions are available to decision makers. The late submissions will be addressed on an individual basis at the discretion of the Council.

4.2.2 Submissions will not be accepted if any of the following apply:

- a) The submission is received at a point in the process where the Council deems it not practical to consider the submission. This includes, but is not limited to, the following circumstances:
 - i. The submission arrives more than one month after the close-off date stipulated in the public notice; or
 - ii. Consideration of the submission will cause unreasonable delay in adopting any plan or policy or in making any Council decision; or
- b) Consideration of the submission would result in that submitter having an unfair advantage over another submitter or an unfair disadvantage to any other submitter e.g. by having substantially more time or more information than other submitters to be able to make their submission; or
- c) The submission is not directly relevant to the issue. In this instance, the submission may be forwarded on to the relevant process or relevant Council; or
- d) The late submission has already been covered by another submission.