

Option 1A - Staged consent – notified applications

Criteria			Comparative assessment
<b>Time</b>			
Project phase timeframes	<p><b>Stage 1</b></p> <ul style="list-style-type: none"> <li>Consent application could be resubmitted reasonably quickly – allow 2 months</li> <li>Public notification, submissions, hearings, decision – allow 4-6 months</li> <li>Assume appeal to Environment Court</li> <li>Environment Court proceedings, hearings, decision – allow 9-12 months</li> <li>Possible High Court appeal of Environment Court decision</li> <li>High Court proceedings, decision – allow 9-12 months</li> </ul> <p><b>Stage 2+</b></p> <ul style="list-style-type: none"> <li>Similar timeframe as above for each consenting stage (would follow completion of concept and developed design – allow 12-18 months)</li> <li>Preparation of application for Stage 2 would be delayed as resources are allocated to supporting Stage 1 process</li> </ul>	<p>May 2019 Sept -Nov 2019</p> <p>Jun-Nov 2020</p> <p>Mar-Nov 2021</p> <p>Nov 2021- Nov 2022</p>	Most time to achieve fully consented masterplan
Works commencing	<ul style="list-style-type: none"> <li>Earliest start date for physical work for stage 1 likely to be October 2021</li> <li>Physical works for subsequent stages potentially commence October 2023</li> </ul>		
Local authority elections	<ul style="list-style-type: none"> <li>Public notification period and submission prior to election period</li> <li>Hearings and or decision possible during election period</li> </ul>		
<b>Cost</b>			
Total cost/budget	<ul style="list-style-type: none"> <li>Costs for each consent will include professional fees, processing costs, legal fees</li> <li>Costs accrued for both hearings process and Environment Court process</li> <li>Multiple consent processes lead to repeated costs being accrued</li> </ul>	Est consent cost per Stage - \$600k-\$900k	More costly
	<ul style="list-style-type: none"> <li>Multiple consent processes lead to repeated costs being accrued</li> </ul>	Total consent cost for 2 stage approach \$1,200k-\$1,800k	
Consenting cost as proportion of project cost	<ul style="list-style-type: none"> <li>For lower value stages of physical work (e.g. Stage 1) consenting costs likely to become a very significant proportion – e.g. Stage 1 physical works tender price was \$2,300k – consent costs between 26% - 39%</li> </ul>		
<b>Value</b>			
Efficient use of resources	<ul style="list-style-type: none"> <li>Stage consent approach requires allocation of resources to:                             <ul style="list-style-type: none"> <li>Support staged consent process that might otherwise be allocated to progressing subsequent stages of design and consenting</li> <li>Undertaking physical works that deliver an interim position that may require rework in the future (e.g. reconfiguration of 5 holes for previous Stage 1 estimated to cost \$1,800k)</li> </ul> </li> </ul>		Less efficient use of resources
<b>Risks</b>			
Legal challenge	<ul style="list-style-type: none"> <li>Assumed SCP will pursue all legal action to resist consent for works to deliver masterplan</li> <li>This option provides 2 points for actions, an appeal to the Environment Court of any granted consent and High Court appeals of any Environment Court decisions (on points of law only)</li> </ul>		More risk for legal challenge and reputation
Reputational	<ul style="list-style-type: none"> <li>Assuming applicant requests notification, this consenting approach provides clear opportunity for public to make their views known</li> <li>Previously adopted staged approach creates situation where council is applying for interim physical works which do not reflect the full aspiration for development (note Sec 91 of RMA)</li> </ul>		

**Option 1B - Staged consent – notified and direct referral to Environment Court**

Time			
Project phase timeframes	<p><b>Stage 1</b></p> <ul style="list-style-type: none"> <li>Consent application could be resubmitted reasonably quickly – allow 2 months</li> <li>Public notification, submissions, Environment Court process and decision – allow 6-8 months (note Environment Court process for direct referral generally quicker than for appealed decisions)</li> <li>Possible High Court appeal of Environment Court decision on points of law only.</li> <li>High Court proceedings, decision – allow 9-12 months</li> </ul> <p><b>Stage 2+</b></p> <ul style="list-style-type: none"> <li>Similar timeframe as above for each consenting stage (would follow completion of concept and developed design)</li> <li>Preparation of application for Stage 2 would be delayed as resources are allocated to supporting Stage 1 process</li> </ul>	<p>May 2019 Nov 2019-Feb 2020</p> <p>Sept 2020-Feb 2021</p> <p>May 2021- Nov 2022</p>	Less time to achieve on stage 1, similar time to achieve decision on stage 2
Works commencing	<ul style="list-style-type: none"> <li>Earliest start date for physical work for stage 1 likely to be Oct 2021</li> <li>Physical Works for subsequent stages likely to commence October 2023</li> </ul>		
Local authority elections	<ul style="list-style-type: none"> <li>Public notification period and submission prior to election period</li> <li>Environment Court proceedings possible during election period</li> </ul>		
Cost			
Total cost/budget	<ul style="list-style-type: none"> <li>Costs for each consent will include professional fees, processing costs, legal fees</li> <li>Cost savings in relation to initial hearings process, but additional costs accrued as Environment Court cost must be met by applicant</li> </ul>	Est consent cost per Stage - \$600k-\$900k	Most costly
	<ul style="list-style-type: none"> <li>Multiple consent processes lead to repeated costs being accrued</li> </ul>	Total consent cost for 2 stage approach \$1,200k-\$1,800k	
Consenting cost as proportion of project cost	<ul style="list-style-type: none"> <li>For lower value stages of physical work (e.g. Stage 1) consenting costs likely to become a very significant proportion – e.g. Stage 1 physical works tender price was \$2,300k – consent costs between 26% - 39%</li> </ul>		
Value			
Efficient use of resources	<ul style="list-style-type: none"> <li>Stage consent approach requires allocation of resources to:                             <ul style="list-style-type: none"> <li>Support staged consent process that might otherwise be allocated to progressing subsequent stages of design and consenting</li> <li>Undertaking physical works that deliver an interim position that may require rework in the future (e.g. reconfiguration of 5 holes for previous Stage 1 estimated to cost \$1,300k)</li> </ul> </li> </ul>		Least efficient use of resources
Risks			
Legal challenge	<ul style="list-style-type: none"> <li>Assumed SCP will pursue all legal action to resist consent for works to deliver masterplan. This option provides 1 point for actions; a High Court appeal of any Environment Court decision (on points of law only)</li> </ul>		Most risk for legal challenge and reputation
Reputational	<ul style="list-style-type: none"> <li>While the notification process provides opportunity for submission from all interested parties, the cost of providing evidence to Environment Court may be a deterrent to some parties, and this process could be perceived to be reducing opportunity for effective public engagement in the consent process</li> <li>Previously adopted staged approach creates situation where council is applying for interim physical works which do not reflect the full aspiration for development (note Sec 91 of RMA)</li> </ul>		

**Option 2A – Single consent – notified applications**

Time			
Project phase timeframes	<ul style="list-style-type: none"> <li>Further design and consent preparation required for full masterplan – 12 – 18 months</li> <li>Public notification, submissions, hearings, decision – allow 4-6 months</li> <li>Assume appeal to Environment Court, hearings, decision – allow 9-12 months</li> <li>Possible High Court appeal of Environment Court decision on points of law only.</li> <li>High Court proceedings, decision – allow 9-12 months</li> </ul>	Apr – July 2020 Aug 2020 - Feb 2021 Mar – Nov 2022 Mar – Oct 2022	More time required for design and preparation of application
Works commencing	<ul style="list-style-type: none"> <li>Earliest possible start date for physical works October 2022</li> </ul>		
Local authority elections	<ul style="list-style-type: none"> <li>Design development and public engagement prior to election period</li> <li>No active consenting process during election period</li> <li>Consent application submitted post election</li> </ul>		
Cost			
Total cost/budget	<ul style="list-style-type: none"> <li>Costs will include professional fees, processing costs, legal fees</li> <li>Costs accrued for both hearings process and Environment Court process</li> </ul>	Est total consent cost \$900k	Least cost
Consenting cost as proportion of project cost	<ul style="list-style-type: none"> <li>Single stage approach minimises consent cost as proportion of total project costs</li> </ul>		
Value			
Efficient use of resources	<ul style="list-style-type: none"> <li>Single consent approach ensures resources are fully dedicated towards delivery of masterplan</li> <li>Single consent would enable efficient phasing of physical works to minimise interim of temporary works</li> </ul>		Most value
Risks			
Legal challenge	<ul style="list-style-type: none"> <li>Assumed SCP will pursue all legal action to resist consent for works to deliver masterplan</li> <li>This option provides 2 points for actions, an appeal to the Environment Court of any granted consent and a High Court appeal of any environment Court decision (on points of law only)</li> </ul>		Least risk
Reputational	<ul style="list-style-type: none"> <li>Assuming applicant requests notification, this consenting approach provides clear opportunity for public to make their views known</li> </ul>		

**Option 2B – Single consent – notified and direct referral to Environment Court**

Time			
Project phase timeframes	<ul style="list-style-type: none"> <li>Further design and consent preparation required for full masterplan – 12 – 18 months</li> <li>Public notification, submissions, environment court hearing, decision – allow 6-8 months</li> <li>Possible High Court Appeal of Environment Court decision on points of law only.</li> <li>High Court proceedings, decision – allow 9-12 months</li> </ul>	<p>Apr 2020 – July 2020</p> <p>Feb - Apr 2021</p> <p>Nov 2021 – May 2022</p>	Least time for judicial process
Works commencing	<ul style="list-style-type: none"> <li>Earliest start date for physical work likely to be October 2021 (assumes no judicial review)</li> </ul>		
Local authority elections	<ul style="list-style-type: none"> <li>Design development and public engagement prior to election period</li> <li>No active consenting process during election period</li> <li>Consent application submitted post election</li> </ul>		
Cost			
Total cost/budget	<ul style="list-style-type: none"> <li>Costs will include professional fees, processing costs, legal fees</li> <li>Cost savings in relation to initial hearings process, but additional costs accrued as Environment Court cost must be met by applicant</li> </ul>	Est total consent cost \$900k	Less cost due to single judicial review process
Consenting cost as proportion of project cost	<ul style="list-style-type: none"> <li>Single stage approach minimises consent cost as proportion of total project costs</li> </ul>		
Value			
Efficient use of resources	<ul style="list-style-type: none"> <li>Single consent approach ensures resources are fully dedicated towards delivery of masterplan</li> <li>Single consent would enable efficient phasing of physical works to minimise interim temporary works</li> </ul>		More efficient
Risks			
Legal challenge	<ul style="list-style-type: none"> <li>Assumed SCP will pursue all legal action to resist consent for works to deliver masterplan</li> <li>This option provides 2 points for actions, an appeal to the Environment Court of any granted consent and an appeal of any Environment Court decision (on points of law only)</li> </ul>		Less risk
Reputational	<ul style="list-style-type: none"> <li>While the notification process provides opportunity for submission from all interested parties, the cost of providing evidence to Environment Court may be a deterrent to some parties, and this process could be perceived to be reducing opportunity for effective public engagement in the consent process</li> </ul>		