

part, and therefore for the calculation of working days, the formal response would be calculated from 16 August 2012.

### **Process**

The process has not been ideal and my feeling is that the following areas could have been improved:

- Case management from Planning Consultant. In hindsight, given the complexity around the Parks process this should have been managed internally.
- Parks Process.

With respect to the Parks process, I feel that this deserves further discussion. I have raised my concern to Parks Management which I feel can be summarised as follows: *"poorly explained, not understood and of a daily changing nature with almost weekly demands for information. The client was not able to proceed with this project with any certainty, despite following the correct pre-application process"*.

In saying this I am sympathetic with Parks as they had a new process to deal with that they didn't fully understand either. I do concede that in order to reach resolution they by passed a formal process which would have involved Local Board Approval before being considered centrally. Despite your frustrations, this would have actually resulted in better timeframes than if the correct and formal process was followed. On that note it should also be reinforced that the viability of the project did rely on Parks allowing a reduction in the width of the esplanade reserve.

### **Section 37**

Section 37 of the RMA allows Council to extend the timeframe by up to 20 working days with (a) with the agreement of the applicant or (b) if special circumstances exist.

I am applying Section 37 for an additional 16 working days which will apply to the 5th September. I hope to have the consent issued today and am hoping the extra days will not be necessary however I am factoring in this eventuality.

I believe that a section 37 can appropriately be applied given the complexity around the process with respect to the reduction in esplanade reserve.

### **Resolution / Fees**

I would like to acknowledge the less than ideal process followed in this instance by offering you a fee reduction.

Please note that up until peer review of the report I have not charged any of my time on this application also. You will also note that Parks have also charged a small proportion of their time to a level that is considered 'fair and reasonable'

The Planning Consultant - Nick Eagleson has also charged only a portion of his time on the project.

Further, I am prepared to offer you a further reduction of \$2074.20 off the final invoice. I cannot confirm what the final invoice is at this point as it has not gone through formal doc prep although I can confirm it is in the order of \$9200.00

Before finalising fees I would like your agreement to the above. Once you have confirmed your acceptance of the final conditions and to the above email I will arrange for the consent to be issued.

Please note that this does preclude you making a formal objection pursuant to Section 357 of the RMA but it does represent Council's position around what we consider fair and reasonable.

My final comments are around your initial expectation that consents would not be processed within 20 working days in any case. I can assure you that we make every effort to ensure that we do and are always disappointed when we don't meet customers expectations. Again, on this I offer you Council's apology.

Thankyou for your consideration

Regards

31/08/2012