

BEFORE AN EXPERT CONSENTING PANEL

UNDER the COVID-19 Recovery (Fast-track Consenting) Act
2020

IN THE MATTER of an application by Silk Road Management Limited,
Pudong Housing Development Company Limited and
Foodstuffs North Island Limited in relation to the Dominion
Road Mixed-use Development

**MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT
REQUESTING SUSPENSION OF PROCESSING**

9 July 2021

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MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT

May it please the Panel:

1. The purpose of this memorandum is to request suspension of the processing of this application (pursuant to clauses 6(1)(b)(ii) and 23 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (“FTA”). The suspension is sought to enable further work to be undertaken to respond to issues raised in the Harrison Grierson Report dated 6 July 2021, commissioned by the Expert Consenting Panel (“Panel”).
2. On 7 July 2021, the applicant received notice that the following reports commissioned by the Panel under clause 25(1)(b) Schedule 6 of the FTA were available on the Environmental Protection Authority’s (“EPA”) website:
 - (a) Commissioned report on traffic engineering prepared by Harrison Grierson Limited and dated 6 July 2021 (“**Harrison Grierson Report**”);
 - (b) Commissioned report on urban design prepared by Ian Munro and dated 5 July 2021 (“**Munro Report**”); and
 - (c) Commissioned report on noise and vibration prepared by Marshall Day Acoustics (undated but titled 5 July 2021) (“**Marshall Day Report**”).
3. The applicant and its expert advisors have reviewed the above reports. By way of summary:
 - (a) The Harrison Grierson Report suggests that an alternative mitigation measure of traffic signals could provide a better and safer outcome for all road users. It recommends that further modelling work is completed to determine whether traffic signals can be implemented.
 - (b) The Munro Report recommends that the building envelope is modified by reducing building height by one storey across much of the proposed development.
 - (c) The Marshall Day Report recommends amended conditions to manage internal acoustic amenity and thermal comfort in some apartments.
4. The applicant’s position remains that the building height proposed in the application is appropriate, and that the amendments proposed to the noise

and vibration conditions are unnecessary.¹ However, if the Panel is minded to accept the recommendations set out in the Munro Report and Marshall Day Report, the applicant confirms that a project can still be implemented in architectural and engineering terms that will achieve the purpose of the FTA.

5. To address the recommendations of the Harrison Grierson Report, however, further modelling work is needed. Initial investigations by the applicant's traffic expert suggests that further development of the PARAMICS traffic model can be undertaken which may demonstrate an acceptable solution involving signalisation of the Grange Road or Prospect Terrace intersections. The applicant considers that the recommended additional modelling work is likely to be of substantial assistance to the Panel in determining the application. However, that work is likely to require three to four weeks to complete, and to document in an addendum report for the Panel's consideration.
6. Accordingly, the applicant respectfully requests that the Panel make the following directions:
 - (a) That the processing of the application is suspended for a period of five (5) weeks until 13 August 2021; and
 - (b) That the applicant undertake additional traffic modelling and prepare an addendum report to address the recommendations made in the Harrison Grierson Report, to be provided to the EPA on or before 13 August 2021.

DATED this 9th day of July 2021



Douglas Allan / Daniel Sadlier

Counsel for Silk Road Management Limited, Pudong
Housing Development Company Incorporated and
Foodstuffs North Island Limited

¹ With respect, some of the discussion and recommendations contained in the Marshall Day Report, particularly section 6.5, appear to go beyond the scope of an acoustic engineer's expertise.