

Eden We Love Comments on Dominion Road Mixed-use Development Conditions

21 September 2021

1. The revised Draft Conditions provided by the Panel were circulated to the Society members and feedback sought, to be collated into the following comments.
2. Eden We Love are pleased to see that the Panel has accepted into the draft conditions most of the suggested changes that we proposed. We also endorse other areas where the conditions have been revised as a result of other submitters comments particularly in relation to the dust complaints process.
3. Eden We Love still have concerns about the hours of operation of construction activity and do not believe that the matters raised in paragraph 1.2 of our submission dated 13 September 2021 are adequately addressed by the provisions of Condition 58. This still allows for “... *oversize ... building elements ... that would cause significant disruption to the surrounding road network ...*”, which would include the modular apartments, to be delivered to site outside the construction hours. This issue is not just about the potential disruption of noise during night hours but also light spill and having non-residential activity in the neighbouring streets, such as worker parking, at times when this would not normally be expected.

Acknowledging that there will be occasions where there will be a need to make after-hours deliveries of oversized elements, Eden We Love suggest that Condition 58 be amended with the following proviso after “...*notice to the parties listed in Condition 41.*”: -

“Any oversize deliveries to or from the site outside the above times may only occur once in any 7-day period.”

The reason for this addition to the conditions is that it will ensure that the adjacent affected neighbours are not inconvenienced by constant nightly disruptions.

4. Eden We Love note that there has been a strengthening of the language around requiring the engineering Plan Approval (and associated Safety Audits) to be received from AT before construction can be initiated. However, we do not see the inclusion in the conditions of the resolution process associated with changes to the road marking and associated controls, including removal of existing parking along Grange Road and Prospect. We recommend that an appropriate condition be include within or close to Condition 12.

The reason for the inclusion of a condition that outlines the how the roading changes are executed is that while this process is often undertaken after the fact (it effectively legalises the enforceability of the traffic controls to allow AT to impose fine for say parking along No Parking lines) – it is the area where public consultation (EWL and/or individual residents input) would most likely be triggered with opportunity for at least input.

5. Eden We Love endorse the new condition that caps the number of parking spaces allocated to the supermarket to 110 but note that there is nothing about what happens

to the surplus parking spaces shown on level 0 on the plans. Do they get removed from the plans or allocated to supermarket staff with the 110 spaces being specifically for supermarket customers? We would like to see more clarity around this and a provision that requires clear signage and policing of the parking spaces. In addition, we would also like to see the surplus spaces, those closest to the entries, allocated as replacement parking for the on-street spaces lost as a result of the traffic mitigation.

6. Eden We Love fear that, by sending out revised conditions for comment, the Panel is of a mind to approve the application when the effects of the proposal on the traffic network have not been adequately evaluated and the mitigation of the potential effects are being passed to a third party to undertake.

This situation leaves none of the parties involved in the application with any certainty. The applicant cannot guarantee that AT or the Council will approve the plans for the signalisation of the Dominion Road/Prospect Terrace intersection and the local residents are left in the situation of not knowing whether the project is to proceed while all the assessments and other negotiations go on without their involvement. We believe that the Panel is effectively abducting their authority to make a clear approve/decline decision.

The applicants have not evaluated and reported on the Panel's proposed mitigation package for the intersection, that includes Prospect Terrace being signalised, Grange Road being upgraded with a raised table and pedestrian refuge and mid-block crossing (King Edward Street) being retained. TPC has not modelled this scenario. Therefore, the effects on the transport network from implementing this mitigation package are unknown.

As far as Eden We Love are aware there has not be additional assessment to allow a technical basis for the decision to include Condition 1 b. Instead, the application should be declined.

It appears, from the draft conditions, that the Panel is proposing that AT, as the road controlling authority and/or the road safety auditor, evaluate the effects of the Panel's proposed mitigation package on the transport network and then assess whether those effects are acceptable. We believe that in doing so the Panel is delegating the substantive decision making to a third party.

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For EdenWeLove Society Inc