

**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

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**MEMORANDUM OF COUNSEL REGARDING OUTCOME OF  
DISCUSSIONS BETWEEN DESIGN CONSULTANTS**

**29 August 2021**

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

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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 update the Expert Consenting Panel in relation to discussions between the applicant's design consultants and Mr Munro (appointed by the Panel) which took place on 26 and 27 August 2021.
2. The discussions related to two distinct matters:
  - (a) The acceptable building envelope of Building D in urban design terms (height and setbacks); and
  - (b) The proposed future use of the laneway at the rear of the Lot 1 shops, and in particular whether Lot 1 owners'/tenants' ability to trade to the laneway should be restricted by way of condition, and if so what form that condition should take.
3. We understand that agreement was reached between the applicant's consultant team and Mr Munro in relation to both issues. Mr Munro will update the Panel in relation to issue (a) in due course (through the EPA).
4. However, in relation to issue (b), it is appropriate that the applicant confirm:
  - (a) That it agrees to the imposition of a condition restricting the ability to trade to the laneway from the Lot 1 shops; and
  - (b) That the following text of a condition has been agreed with Mr Munro and addresses his concerns regarding perceived potential adverse urban design effects, and the applicant offers the condition in s108AA(a) and/or *Augier* terms to the extent that is necessary:

*There shall be no east-facing retail or commercial frontages trading to the north-south laneway behind the Lot 1 shops.*
5. The condition will ensure that Dominion Road frontage of each of the Lot 1 shops will continue to be the retail/commercial frontage for each unit, with the north-south laneway serving a secondary, servicing and access function.

6. It may be appropriate for the EPA to confirm Mr Munro's agreement to the text of the condition set out above, directly with him.
7. The applicant:
  - (a) Respectfully requests that the Expert Consenting Panel impose a condition in the form set out in paragraph 4(b) above on any consent it grants to this application; and
  - (b) Anticipates that it can promptly confirm agreement regarding the consentable building envelope for Building D, once Mr Munro's report back to the EPA in relation to that issue has been received.

**DATED** this 29<sup>th</sup> day of August 2021



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**Douglas Allan / Daniel Sadler**

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