

**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 IN RESPONSE TO MINUTE 9**

**17 August 2021**

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## MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT

### May it please the Panel:

1. On 13 August 2021 the applicant provided further information to the Panel comprising additional traffic modelling work and sensitivity testing. In relation to this further information response the Panel has issued Minute 9 which (*inter alia*):
  - (a) seeks responses from Auckland Transport, Stantec (for Eden we Love) and Harrison Grierson on Scenario D (Optimised) (paragraph 3).
  - (b) requests Harrison Grierson review the information and provide updated advice to the Panel on the traffic safety effects if Scenario D (Optimised) is implemented (paragraph 9).
  
2. The applicant notes that the Panel's directions relate solely to Scenario D (Optimised). For the reasons that follow the applicant is of the view that it should be Scenario D (Refined) which is considered by the parties above. By way of explanation:
  - (a) The physical mitigation package identified in paragraph 94 of Mr Langwell's evidence forms part of Scenario D (Optimised) and Scenario D (Refined).
  - (b) Scenario D (Refined), however, also incorporates the refinements to the Paramics model summarised at paragraph 6 of the memorandum of counsel dated 13 August 2021.
  - (c) If Scenario D is to be adopted, then the applicant considers that the traffic management methods modelled in Scenario D (Refined) are preferable to and should be implemented rather than those modelled in Scenario D (Optimised). As noted by Mr Langwell in the statement accompanying this memorandum, the safety risks are reduced if delays and congestion are lower, as occurs in Scenario D (Refined).
  - (d) Accordingly, from both a safety and overall effects perspective the other parties should be directed to consider and respond to Scenario D (Refined) rather than Scenario D (Optimised).

The applicant asks that the direction in Minute 9 be amended accordingly.

3. Finally, the applicant remains willing to engage in discussions between the applicant, Auckland Transport and/or the Harrison Grierson report authors if directed by the Panel, as per paragraph 23 of the memorandum of counsel for the applicant dated 13 August 2021. A direction to this effect may ultimately assist the Panel as the other experts are likely to be better placed to respond to the applicant's further modelling work if they have had an opportunity to receive a full briefing on the additional work undertaken.

**DATED** this 17<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