

WELLINGTON CITY COUNCIL

Hearing of Submissions and Further Submissions

on

Proposed District Plan

Report and Recommendations of Independent Commissioners

Hearing Stream 4

Report 4E

Wind Chapter, Appendix 8, Appendix 9 and Appendix 14

Commissioners

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EXECUTIVE SUMMARY

1. This Report addresses submissions on the Wind Chapter of the PDP.
2. The Wind chapter consists of the chapter text, the provisions and in addition *Appendix 8: Quantitative Wind Study and Qualitative Wind Assessment – Modelling and Reporting Requirements*, *Appendix 9 – City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements*, and *Appendix 14: Wind Chapter Best Practice Guidance*.
3. As notified in the Proposed District Plan (PDP), the Wind chapter applies to all public spaces in all Centre Zones, Waterfront Zone (WFZ), Port Zone (PORTZ), Stadium Zone (STADZ), Hospital Zone (HOSZ) and Tertiary Education Zone (TEDZ).
4. Unsafe wind conditions can occur everywhere in the City where buildings of a certain minimum height (typically greater than 14m) are present and where there is stepped change in height between buildings. In addition, wind can adversely affect the amenity and comfort of public spaces and legal roads within the City, which are important to all public space users, notwithstanding which zones they may be located. We were satisfied that controls to assess the effects of development on wind conditions on legal roads and public space are appropriate mechanisms to address this resource management issue.
5. We concluded that the effects of new buildings on the wind conditions in those public open space areas within the City's major institutions (the main campus of the two universities and the Wellington Regional Hospital) should be assessed where readily used by the public for access.
6. There are two different methods of assessing wind effects, qualitative and quantitative, and we considered carefully as to where the trigger height for one or the other should lie. This was particularly relevant in light of the very different costs involved for such assessments. We concluded that, for a proposed building of between 15m and 25m in height, at least a qualitative assessment is required, with an option to undertake a quantitative assessment, while buildings higher than 25m must have a quantitative assessment undertaken.

1. INTRODUCTION

1.1 Report

1. Hearing Stream 4 covered the Commercial and Mixed Use Zone chapters in the Proposed District Plan, the Waterfront and Industrial zones and provisions relating to Wind (as this chapter mainly relates to the central city).
2. This report covers the Wind Chapter, as well as Appendix 8 (Quantitative Wind Study and Qualitative Wind Assessment – Modelling and Reporting Requirements), Appendix 9 (City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements), and Appendix 14 (Wind Chapter Best Practice Guidance).
3. Our report follows the general layout of Ms Stevens' Section 42A Report and needs to be read in conjunction with Report 4A and 4B as these reports address matters that are also related to this report in addition to proposed recommendations being for Plan consistency reasons. It should also be read in conjunction with Report 1B, which addresses strategic objectives, and Report 1A, which sets out:
 - a. Appointment of commissioners
 - b. Notification and submissions
 - c. Procedural directions
 - d. Conflict management
 - e. Statutory requirements
 - f. General approach taken in reports
 - g. Abbreviations used.

1.2 Introduction and Overview

4. The Section 42A Report for the Wind Chapter and associated appendices was authored by Ms Stevens.
5. The Wind Chapter in the PDP applies to all public spaces in all Centre Zones, WFZ, PORTZ, STADZ, HOSZ and TEDZ.

6. Comparatively few submissions were received for the Wind chapter and its Appendices. There were nine submitters who collectively made 30 submission points on this topic.
7. At a general level, Urban Activation Lab of Red Design Architects, supported by HPW¹, sought to include more opportunities for limited notification, as opposed to non-notification, Plan wide.
8. Ms Stevens disagreed with this notion for the Wind chapter because, in her view, there are already measures in place, such as the requirement for qualitative and quantitative wind assessments, to ensure positive outcomes. In addition, she noted that development costs would rise through a limited notification process. We agree with Ms Stevens, and note that limited notification would be unlikely to add value to what is a primarily design-led process. We recommend rejecting this submission.
9. The submission from Richard Murcott², which was tagged to the High Density Residential Zone (HRZ) and not the wind chapter, sought to have adjoining private residential properties included in the assessment requirements for wind effects. He noted that the Introduction clearly excludes private properties. His presentation to us comprised the scenario in his back yard, which showed the drastic height difference of his property in comparison with the adjoining tall apartment building. We heard from Mr Locke and Dr Donn that a significant height difference between adjacent buildings may cause an increase of wind effects, and Mr Murcott's example made a compelling point.
10. While we accept that the PDP's Wind provisions are appropriately focused on public spaces, as is best practice in New Zealand, we do acknowledge Mr Murcott's concerns about the potential adverse effects of wind from development on properties within the Centres Zones where they adjoin residentially zoned properties, especially given the increased height limits in the Centres Zones and the potential for very large differentials in building height. In particular, we were concerned that not assessing wind effects on these properties may result in a real risk for the safety and comfort for these neighbours. However, in the absence of technical advice and an evaluation of the costs and benefits of introducing such provisions, we were not in a position to recommend specific controls.

¹ Submission #420.5, Further Submission #111.52

² Submission #322.25

2. SUBMISSIONS ON WIND PROVISIONS

2.1 Wind Objectives

WIND-O1 - Purpose

11. RVA³ sought that **WIND-O1.1** relating to comfortable conditions for pedestrians should be deleted.
12. Ms Stevens noted that the comfort criterion only applies to listed public spaces in Appendix 9 CCZ and WFZ, and that other spaces do not need to comply with the comfort criterion. Thus the comfort requirement is quite restricted in its spatial application, Ms Stevens pointed out, and the provisions aim to provide for comfortable and safe wind conditions in specified public spaces.
13. In Ms Steven's view, it is important to provide this amenity for the principal public spaces and ensure that subsequent developments do not contribute to a cumulative effect that would allow for some development to occur without wind considerations, but would put the onus of making design concessions with regards to comfort and safety from wind an issue for latter development in an unfair and unbalanced way. The wind experts for Council, Dr Donn and Mr Locke, agreed with Ms Stevens that a focus on safety alone, as suggested by Ms Williams for RVA, is not sufficient to achieve a well-functioning urban environment.
14. Ms Stevens noted that Dr Donn in his evidence⁴ advised that the upper limit of wind safety is very high and it is not acceptable to reduce the provisions to safety alone. He stated that, if this would be the case, it would be accepted that the existing wind environment could worsen. Consequently, Ms Stevens recommended rejecting RVA's submission point. We agree that a certain amount of amenity is required for public spaces to be able to use them and that comfort is an important attribute for public spaces. This, we concur, is more relevant for public parks, as it is for public spaces such as footpaths for which safety is appropriately the preeminent concern.
15. While Ms Stevens disagreed with the RVA submission, she agreed that the wording of this objective needed clarification. She proposed an amendment to the objective, deleting WIND-O1.1 (which, we note, technically results in accepting RVA's submission), while introducing a new third point, WIND-O1.3, reintroducing and extending the wording of the former first point that includes a reference to safety and

³ Submission #350.85, #350.86

⁴ Wellington City Council, Hearing Stream 4, Statement of Evidence of Dr Michael Donn, May 2023

comfort of the public spaces listed in Appendix 9. We agree with the recommended clarifications which are as follows:

Purpose

The adverse impact of wind from new developments, additions and alterations ~~on public spaces~~ is managed to:

- ~~1. Provide comfortable conditions for pedestrians whilst acknowledging that not all wind effects can be mitigated;~~
1. Ensure that new developments, additions and alterations do not generate unsafe wind conditions in public spaces and, where possible, ameliorate existing unsafe wind conditions; ~~and~~
2. Prevent the gradual degradation of Wellington's pedestrian wind environment over time; and
3. Ensure a safe and comfortable wind environment in Wellington's the public spaces listed in Appendix 9 – City Centre Zone and Special Purpose Waterfront Zone – Minimum Sunlight Access and Wind Comfort Control – Public Space Requirements, while acknowledging that not all wind effects can be mitigated.

2.2 Wind Policies

WIND-P2 – Managing effects

16. While WCCERG⁵ sought to retain the provision as notified, RVA sought to delete the reference to amenity in policy WIND-P2.3(a), and to reword WIND-P2.2 by replacing 'as far as practical' with 'as far as practicable'⁶.
17. Ms Stevens considered that the rewording to '*practicable*' describes the intent of the policy more accurately and provides a more realistic outcome, and therefore agreed with this change. We note that this change of wording has occurred in several provisions throughout the plan, and we agree that 'practicable' is allowing for a reality check, conceding that wind conditions (in this case) may not be able to be improved in all circumstances.
18. We concur with Ms Stevens and the experts that the protection of these amenities is essential for a well-functioning urban environment and recommend the changes as suggested by Ms Stevens with respect to practicability.
19. Ms Stevens also included some further grammar changes such as adding articles before the nouns, which we consider as minor, and agree with. Her wording change from 'pedestrians' to 'pedestrian experience' however, gives the policy a different meaning, and we do not think that this counts as a minor change. In addition, we

⁵ Submission #377.314

⁶ Submission #350.87 -#350.90

have not identified a submission that sought this outcome, nor did Ms Stevens comment on these changes in her report. We believe that the safety and amenity for pedestrians is a different concept to the safety of an experience. We do not see how this change will improve or clarify the policy in any way, therefore, we do not recommend this change of wording.

WIND-P3 – Comfort and safety in listed public spaces

20. Relating to their earlier submissions, RVA sought to have policy WIND-P3 relate to maintenance and enhancement of comfort and safety through building design, that the reference to ‘comfort of public space’ is removed.
21. Here again, Ms Stevens noted that the policy is restricted to the public spaces listed in Appendix 9, and acknowledged that this is not clear in the notified version of Policy WIND-P3. She therefore recommended amendments to clarify where the policy applies.
22. We heard from submitters, as well as the experts, that unsafe wind conditions can occur in any public space in the City, notwithstanding the zoning, and therefore development that may create such conditions needs to be managed to achieve a well-functioning urban environment. Policy WIND-P3 is specifically concerned with the principal public spaces in the central city and waterfront and we consider this is an appropriate approach given their importance to providing amenity in an area dominated by large buildings. The CCZ and WFZ are the main areas in the City where large-scale development can occur and adversely affect the amenity of public spaces. The potential adverse effects of larger-scale development on public spaces elsewhere in the City is managed under the more general direction of policy WIND-P2.
23. We heard from Dr Donn that the comfort standards proposed in the PDP are relatively balanced and enabling, compared to other cities that require wider application of their comfort standards. In relation to RVA’s submission, he also noted that the elderly are typically more affected by stronger wind gusts that may unbalance them.
24. Ms Stevens noted that the PDP provisions are intended to be simple and applied consistently throughout a range of buildings. She stated that if the criteria were more specific, they would not be covering as many scenarios as easily. It appeared to us that the wind provisions as notified were a ‘one-size-fits-all’ solution to enable a simplified assessment process across the City. In our opinion, these provisions may benefit over time from a more nuanced approach to address a wider range of contexts

where adverse wind conditions may be created, particularly other important public spaces that contribute significant amenity for residents.

25. Notwithstanding the more general tone of the provisions, Ms Stevens picked up on a point we raised in the hearing, that the application of the policies to the Appendix 9 listed public spaces require the inclusion of a comfortable environment even more so, since a park will have people spending a certain amount of time in it, to enjoy its amenity, rather than say on a footpath, where people are 'on-the-go' and wind effects are more transitory.
26. Ms Stevens recommended no amendments in relation to the RVA submission to the policy, but recommended amending the wording to clarify where it applies. We agree with her recommended clarification. In addition, she recommended the removal of the reference to safety in policy WIND-P3. There were no submissions that sought this removal, nor did Ms Stevens discuss her reasoning for this in her report. In our view, to remove safety from the policy is a significant amendment, which submitters had no opportunity to comment on. We do not agree with Ms Stevens on this point and recommend retaining the concept of safety in the policy.

New Policy – Tertiary and Hospital Institutions

27. Te Herenga Victoria University of Wellington sought to make amendments to the wind provisions to confine the extent of wind assessment for the TEDZ and HOSZ to any building development that is within 20m of a legal road⁷. These amendments included a new policy proposed in the planning evidence of Peter Coop sought to have a new policy specific to the TEDZ and HOSZ as follows:

WIND-P5 Building Developments in the HZ [sic] and TEZ [sic] that adjoin Legal Roads

Building developments do not generate unsafe wind conditions for pedestrians using adjoining legal roads."

28. In response, Ms Stevens considered the language and content of Mr Coop's policy inconsistent with other policies, and recommended that, if there is a policy for these two zones, it should address both safety and cumulative effects as per policy WIND-P2⁸. Through her rebuttal evidence, a reworded new policy WIND-P5 was recommended by Ms Stevens as follows:

⁷ Submission #106

⁸ Supplementary evidence of Ms Stevens at paragraph 299

Developments in the Hospital Zone and Tertiary Education Zone that are adjacent to legal roads

Require that developments in the Hospital Zone and Tertiary Education Zone that are adjacent to legal roads be designed to:

- 1. Manage adverse wind effects they create;*
- 2. Improve the wind environment as far as practicable where existing wind conditions are dangerous;*
- 3. Limit any deterioration of the wind environment that is adjacent to legal roads that affects:*
 - a. The safety of the pedestrian experience using adjacent legal roads; and*
 - b. Existing wind mitigation measures.*

29. We agree with Ms Stevens that her wording is preferable to that of Mr Coop, given these institutions comprise large-scale developments that are generally accessible to the public and can have deleterious effects on the local wind environment. As we discuss in regard to Wind Standards, we consider it necessary to include publicly accessible walkways which are not necessarily confined to legal roads. Thus our recommended wording for this new policy is as follows:

WIND-P5

Developments in the Hospital Zone and Tertiary Education Zone that are adjacent to legal roads or publicly accessible walkways

Require that developments in the Hospital Zone and Tertiary Education Zone that are adjacent to legal roads or publicly accessible walkways be designed to:

- 1. Manage adverse wind effects they create;*
- 2. Improve the wind environment as far as practicable where existing wind conditions are dangerous;*
- 3. Limit any deterioration of the wind environment that is adjacent to legal roads or publicly accessible walkways that affects:*
 - a. The safety of the pedestrians; and*
 - b. Existing wind mitigation measures.*

2.3 Wind Rules

WIND-R1 – Construction, alteration and additions to buildings and structures

30. Greater submitter interest was given to the rules in the Wind chapter. RVA⁹ sought amendments to WIND-R1 relating to construction, alteration and additions to buildings and structures, to ensure matters of discretion are limited.
31. Ms Stevens disagreed with RVA and noted that there is no hierarchy in the matters of discretion, and the rule provides an assessment framework for the relevant policies. In her view, the matters of discretion need to be looked at holistically and, in the round, not with different weighting. She compared the Centres' wind assessment triggers between ODP and PDP, pointing out the considerable height limit increases in the PDP. She considered that a reassessment of the framework was necessary on the basis of these changes, which has been undertaken in the development of the PDP. However, she noted that more clarity is needed on when the standards are applicable and pointed out a number of 'technical errors', such as the 'compliance with standards' in the permitted activity rule, where a height to trigger these standards does not apply. Ms Stevens recommends the correction of this error by removal of this part of the sentence, as well as several other minor corrections.
32. We concur with Ms Stevens in so far that we recommend the RVA submission should be rejected, and the reference to 'compliance with standards' be removed along with the other minor amendments that she recommended.
33. Kāinga Ora supported by Thorndon Residents Association (TRA)¹⁰ sought for the rules to apply to the Medium Density Residential Zone (MRZ) and HRZ, where the height exceeds 20m. They also sought to amend WIND-R1 to align with buildings restricted to 12m-20m depending on Centres type¹¹.
34. Regarding Kāinga Ora's submission points #391.306 and #391.307, Ms Stevens agreed that consideration should be given to whether some of the Centres wind trigger heights (and in fact height triggers more generally) need to have a more tailored approach based on the density anticipated within the zones¹².

⁹ Submission #350.94, #350.95

¹⁰ Submission #391.304, #391.305, Further Submission #69.23

¹¹ Submission #391.306, #391.307

¹² Section 42A Report, at paragraphs 89 and 90

35. Ms Stevens agreed that the wind rule height triggers needed to reflect the change in density anticipated¹³, and a more tailored approach was needed to account for the differing densities throughout the zones, which meets with our agreement.
36. Regarding Kāinga Ora's submission points #391.304 and #391.305, Ms Stevens agreed with Kāinga Ora's submission point relating to applying the wind chapter rules to HRZ, but not the MRZ, given the relatively limited increase of height limits in the MRZ from the ODP to the PDP. She agreed that development in the HRZ requires a different approach as there is proportionally a greater increase in building height limits, and therefore a greater potential need for detailed assessment. As such, Ms Stevens recommended only accepting Kāinga Ora's submission in part.
37. Ms Stevens instead suggested that having an assessment criteria for exceedances in the 14m maximum height limit for wind effects will be sufficient to ensure wind is considered in the design of a new development¹⁴. Ms Stevens that this could be akin to HRZ-S2 in the PDP as notified which lists wind effects as an assessment criterion for multi-unit housing or retirement villages that exceed the height of 21m to acknowledge that buildings of such a scale can have adverse effects¹⁵. Based on Ms Stevens' suggestion in her report, we take it that it means that an assessment for buildings in the MRZ is only required for over height buildings (above 14m). We note that MRZ was heard in a separate hearing stream and this did not include a suggested amendment to MRZ-S2's assessment criteria.
38. Ms Stevens noted that taking into account her partial agreement with Kāinga Ora, this requires consequential changes in Appendices 8 and 14, and she provided these in her Appendix A.
39. Ms Stevens agreed that the application of the Wind chapter should be linked to a number of criteria, including the difference between existing density and wind conditions, and any increased density and wind conditions that are enabled by new height limits, the risk of increased wind effects, which assessment methodology is required in relation to their costs, a threshold for assessment, the areas of protection, and the appropriateness of safety and/or comfort standards.

¹³ Section 42A Report-Wind, at paragraphs 89-107

¹⁴ Section 42A Report-Wind, at paragraph 116

¹⁵ Section 42A Report-Wind, at paragraph 118

40. We heard that the costs and timeframes for the preparation are considerably different for a quantitative assessment (up to \$35,000 and a duration of weeks) than for a qualitative assessment (below \$5,000/days)¹⁶.
41. We considered the question as to where the threshold for assessment should be with regards to height generally, regardless of the zoning, and where the trigger heights for qualitative or quantitative assessments should lie, if that approach was found to be valid and in scope.
42. In her S42A report, Ms Stevens proposed a split trigger rule amendment which recommended a lower height trigger for qualitative assessments of 15m for most zones except the CCZ and WFZ, which was recommended to be 20m, and a 25m height trigger for quantitative wind studies for all zones. This recommendation was based on improving clarity and comprehension. Counsel for WCCT, Mr Ballinger, told us that a split trigger rule is out of scope, on the basis that there was no submission for split height triggers. He explained that in the ODP it was based on the zoning as to which assessment was required.
43. We asked Ms Stevens as to her view on the matter of scope, and she replied that she disagrees with Mr Ballinger. She considered that there were submissions that referred to trigger height, and both methods were already in use in the ODP. In her view there was scope.
44. Our recommendation is to allow a split trigger height for the zones in line with Ms Steven's recommendation in her section 42A report, with regard to qualitative wind assessments and quantitative wind studies. We found the evidence received from Dr Donn and Mr Locke convincing, that a differentiation is useful for diverse heights and risks. Referring to the matter of scope, we note, that for the avoidance of doubt, we make this recommendation as an out of scope one under clause 99(2)(b) of the First Schedule. With regard to the recommendation being out of scope, we are here not so much concerned with a potential issue of natural justice, but respond in this way to acknowledge the criticisms received, that there is no scope.
45. We now turn to the discussion of trigger heights. The Council experts told us that there is no particular height limit for when negative wind effects occur, but it is a combination of elements within the environment that will affect the wind at ground level, and typically, the higher the building the larger the effect. At the hearing we discussed the height triggers for the two different assessments, noting that as notified

¹⁶ S42A report at paragraph 91, and at paragraphs 25.1 and 25.2 of the evidence-in-chief of Nick Locke for Wellington City Council

in the PDP, WIND-R1.4 requires a quantitative wind study in the CCZ, PORTZ, STADZ, WFZ and Metropolitan Centre Zone (MCZ)'s Height Control Area 1 and 2, with a qualitative wind assessment required in all other zones. However, as noted in the notified chapter's introduction it is at the discretion of the resource consent planner to request one or the other, without having trigger heights applying or being tied to the type of assessment. Instead heights (as per the ODP) are the trigger for requiring resource consent under the Wind Chapter. This discretion bears the risk of differential treatment of applications, subjectivity, and unfairness, and possibly increased risks for negative wind effects, particularly noting the increased building heights within these zones enabled through the notified PDP, including within residential zones.

46. Dr Donn told us that a more rigorous and consistent approach would be of benefit, which echoed the submission of Kāinga Ora and further submission of TRA. This was confirmed by Mr Locke, noting that even building heights of 4-6 storeys can result in dangerous wind effects and that the height difference between buildings also is a significant influence¹⁷. Dr Donn concluded that anything above 11-14m is worth examining, referring to the example of a proposed large social housing complex in Mount Cook¹⁸.
47. It seemed therefore logical to us, to recommend that the Wind chapter rules should apply to the MRZ, including for the MRZ a wind report on the basis of a qualitative analysis for buildings in excess of 15m (but below 25m) and a quantitative wind study for buildings above 25m.
48. Ms Stevens considered for all Centre Zones (excluding CCZ and MCZ), HRZ, HOSZ, and TEDZ a height trigger of 15m for a qualitative wind assessment. For the CCZ, WFZ, MCZ, PORTZ, and STADZ the trigger lies by 20m requiring a qualitative wind assessment, noting that the option to provide a quantitative wind study, where this is seen as of greater value, is at the discretion of the applicant. Over 25m in height a quantitative wind study would be required regardless of the zoning. We agree with Ms Stevens' recommendations, since this ensures a greater robustness of assessment, and certainty for developers of Council's expectations.
49. In accepting Ms Stevens' recommendations on rule WIND-R1, we have identified what we consider to be an error in the drafting of Council's recommended conditions for restricted discretionary activity rules WIND-R1.4 to R1.9. As recommended by the

¹⁷ Locke evidence-in-chief at paragraph 18

¹⁸ Donn evidence-in-chief at paragraph 18.9

Council, these conditions would have the effect of requiring new or altered buildings or structures that breach permitted activity rules WIND-R1.1 to R1.3, but which are less than 25 metres in height, to provide both a qualitative wind assessment and quantitative wind study. This is contrary to Ms Stevens' recommendation (which we agree with) that new or altered buildings or structures that breach permitted activity rules, but which are less than 25 metres in height, only provide a qualitative wind assessment. In accepting Ms Stevens' recommendations on these rules, we have amended the recommended conditions of for restricted discretionary activity rules WIND-R1.4 to R1.9 to correct this error.

WIND-R2 – Construction, alteration and additions to buildings and structures

50. RVA¹⁹ supported the retention of WIND-R2 as notified. Ms Stevens considered that the rule is superfluous because a resource consent is only required for zones that are listed in WIND-R1, and she would support its removal if we found it appropriate, noting that no submission sought this change. In light that the rule is very short, provides some clarification for WIND-R1, and RVA submitted on its retention, we see no reason to remove the rule and recommend its retention.

2.4 Wind Standards

WIND-S1 - Safety

51. We heard from Mr Coop for Te Herenga Waka Victoria University of Wellington (VUW) that its submission sought to exclude the TEDZ from the wind standard WIND-S1²⁰, because it considered that there are no significant adverse wind effects in these locations that would warrant an inclusion, and that VUW are capable of managing safety on their campuses of their own accord. He claimed the University has shown through its developments over the last 20 years that there are no adverse wind effects. We will come back to this matter.
52. Mr Coop noted that the PDP increased the ODP's extent of the coverage of the wind provisions to include VUW's Kelburn Campus. Ms Stevens pointed out that while this is correct, this extension also includes the other ODP's Institutional Precinct, Massey University's Mount Cook Campus, and the Hospital site (rezoned TEDZ and HOSZ respectively). Ms Stevens qualified this, noting that the wind provisions only apply to developments located adjacent to public streets, not within the campus itself, unlike

¹⁹ Submission #350.96

²⁰ Submission #106.9

other zones that the PDP wind chapter applies to: for example, in the CCZ, where the provisions apply to the whole zone.

53. Dr Donn provided evidence to the effect that in his opinion the exclusion of the TEDZ from the wind provisions is unreasonable. He told us about existing adverse wind effects that require management on both campuses, internally and at the zone boundaries, that may possibly have been avoided if a requirement for assessment would have been in place.
54. Mr Coop acknowledged this, but replied that VUW is committed to improve the safety of the campus for existing wind effects, and that they undertook assessments for new developments, more recently, in their own interest.
55. Mr Coop considered that more clarity is required as to the extent of a building relating to a public street. He was also unconvinced that the term 'public street' covers the extent accurately. He suggested to use the term 'legal road', due to the fact that some internal streets within a campus may be perceived as public streets, but they are not legal roads. In addition, in his proposed wording of the provisions, he suggested to limit the application of the provisions to developments within a 20m width adjacent to the legal road.
56. Ms Stevens and the Council experts were not convinced, and contended that the 20m limitation was not based on a robust assessment and was not supported by a s32AA evaluation. Ms Stevens therefore recommended rejecting this constraint in her supplementary evidence, but agreed that the term 'legal road' is more in line with the intent of the provisions. In her evidence in reply, Ms Stevens accepted Mr Coop's 20m but recommended amending the wording to include 'Where all of the building or structure' is more than 20m or within 20m²¹.
57. Dr Donn and Mr Locke in their Reply provided an alternative to the 20m limitation, by turning to the best practice wind guidance that suggests that: *'... , if a public space is within 1 building height away from the proposed development, and the space between the public space and the proposed building is essentially low-rise buildings, then assessment of the wind effects of the building on the public space is appropriate.'*²²
58. While Ms Stevens ultimately recommended including this 20m limit with some amended wording, the experts also note that, while the PDP restricts the application

²¹ At paragraph 149

²² Statement of supplementary planning evidence of Nicholas John Locke and Michael Robert Donn on behalf of Wellington City Council, 19 June 2023, paragraph 10

of the wind provisions to adjacent legal roads for the TEDZ and HOSZ, in their view, there could always be something more done to increase safety through the Wind chapter provisions.

59. Based on the evidence received, and the high pedestrian counts within the TEDZ and HOSZ noted by Ms Stevens, we are wary that a limitation of assessing wind effects to only legal roads only will provide the necessary safety and comfort for the public from adverse wind effects. The tertiary and hospital precincts are significant public institutions and are generally open to public access, which is not necessarily confined to 'legal roads'. As we explained in relation to the recommended new policy for TEDZ and HOSZ (paragraph 25), we consider that wind effects on publicly accessible walkways in these zones should also be assessed. We consider that the safety and comfort of these routes are important in terms of the walkability of the City Centre, and better provides for a well-functioning urban environment.
60. For that reason, our recommendation is for the wind rules to apply to publicly accessible walkways within university campuses and hospital precincts in the TEDZ and HOSZ, as well as to adjacent legal roads.
61. We accept that a change of wording is required in the Introduction that refers to publicly accessible walkways also being included, as well as the recommended new Policy, WIND-P5, that explicitly manages wind effects developments in the HOSZ and the TEDZ.
62. We recommend this as an out-of-scope recommendation pursuant to clause 99(2)(b).
63. The Property Council sought to increase the minimum wind gust speed from 20m/s to 22m/s, which WCCT opposed²³.
64. Ms Stevens acknowledged that it was in error that this submission was tagged to WIND-S1 regarding wind speed. She considers that this submission links to WIND-R1.1 and CCZ-S4 in relation to Property Council seeking an increase of the wind height trigger from 20m to 22m, to allow for alignment with the CCZ minimum building height of 22m, which would result in a resource consent under the wind chapter not being required below the CCZ minimum building height requirement.
65. In Ms Steven's view the wind trigger height should remain at 20m. She clarified that the minimum building height and the wind trigger height have different purposes and there is not requirement to align those heights. She therefore recommended rejecting

²³ Submission #338.8, Further Submission #82.155

Property Council's submission point. We agree with her recommendation and reasoning.

WIND-S2 – Deterioration of the wind environment

66. Dawid Wojasz²⁴ sought to allow a minimum height building to be used as reference to assess wind effects for new developments, based on the way the ODP currently uses the existing environment as a baseline. Ms Stevens disagreed based on Mr Locke's advice, noting it is a matter of safety, and that the height threshold for assessing wind effects is distinct to the safety limit, which should not be exceeded regardless. We concur with Mr Locke's view, that reverting to a process that has been used in the ODP is counterproductive, in light of the height increases proposed in the PDP and the recognised deficiencies in the ODP controls. We recommend rejecting Mr Wojasz's submission point.
67. Ms Stevens alerted us to the need for consequential changes in Appendix 8 and 14 based on her recommendations for the wind chapter. It follows that we generally agree with her recommended changes as with her recommendations for the wind chapter itself.

²⁴ Submission #295.8

3. MINOR AND INCONSEQUENTIAL AMENDMENTS

68. Lastly, Ms Stevens considers some minor and inconsequential amendments to the provisions with the intent to provide more clarity. We recommend including these amendments.

4. CONCLUSIONS

69. We have sought to address all material issues of the parties who have appeared before us put in contention in relation to the Wind chapter and Appendices 8, 9 and 14.
70. To the extent that we have not discussed submissions on this topic, we agree with and adopt the reasoning of the Section 42A Report prepared by Ms Stevens, as amended in her written supplementary evidence and evidence in reply.
71. **Appendix 1** sets out the amendments we recommend should be made to the PDP as a result.
72. To the extent that the Section 42A Reporting Officer has recommended amendments to the Plan requiring evaluation in terms of Section 32AA, we adopt her evaluation for this purpose.
73. Where we have discussed amendments, in particular where we have identified that further amendments should be made, our reasons in terms of Section 32AA of the Act are set out in the body of our Report.
74. **Appendix 2** sets out in tabular form our recommendations on the submissions allocated to Hearing Stream 1 topics. Our recommendations on relevant Further Submissions reflect our decisions on the primary submission to which they relate.
75. We specifically note the out-of-scope recommendations we have made in relation to:
- a. Allow a split trigger height for the zones with regard to qualitative wind assessments and quantitative wind studies (refer paragraph 44); and
 - b. Provisions relating to the management of wind effects from development in the TEDZ and HOSZ (discussed in Section 2.4 above).

For the Hearing Panel



Robert Schofield
Chair, Hearing Stream 4

Dated: 32 February 2024