

**BEFORE A HEARING PANEL OF
WELLINGTON CITY COUNCIL**

IN THE MATTER

of the Resource
Management Act
1991 (the **Act**)

AND

IN THE MATTER

of the Wellington City
Proposed District
Plan

**EVIDENCE OF PETER ALAN COOP ON BEHALF OF VICTORIA UNIVERSITY
OF WELLINGTON (VUW) AND ITS SUBMISSION ON THE PROPOSED
DISTRICT PLAN**

PLANNING

Wind Chapter

12 June 2023

1. INTRODUCTION

1.1 My full name is Peter Alan Coop and I am a self-employed resource management consultant.

1.2 This statement of evidence relates to the hearing on submissions on the Wind Chapter. I am authorised by VUW to give this statement of evidence on its behalf.

2. QUALIFICATIONS AND EXPERIENCE

2.1 My qualifications are a Bachelor of Arts, Diploma of Town Planning, and a Master of Public Policy.

2.2 I have over 40 years' experience in town planning/resource management. This includes 7 years as Wellington City Council's manager of resource consents and 6 years as the Council's manager of strategic planning and policy development. For the last 25 years I have worked as a resource management consultant for Urban Perspectives Ltd and since 2022 in self-employment.

2.3 My experience has included the preparation of numerous applications for resource consents, applications for private District Plan Changes, submissions on Proposed Plans, and the preparation and presentation of expert evidence at Council, Board of Inquiry and Environment Court hearings.

2.4 My experience has included approximately 8 applications for resource consents for Central Area building developments that have required a quantitative wind assessment under the Operative District Plan's wind provisions.

2.5 For the last 20 years I have provided resource management advice and assistance to VUW in relation to their Campuses, these being Kelburn, Pipitea and Te Aro. In particular, I have been part of many multi-discipline design projects to enhance the attractiveness, functioning and safety of the Kelburn Campus. I also live near the Campus and for the last 25 years have regularly walk through the Campus to and from my work place. I am therefore very familiar with the environmental

conditions, including the wind environment, that affects the Campus and the main road that bisects it, Kelburn Parade.

3. CODE OF CONDUCT

3.1 I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Practice Note (2023) (**Code**) and have complied with it in preparing this evidence. I also agree to follow the Code when presenting my evidence to the hearing panel. I confirm that I consider that the issues addressed in my brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

4. SCOPE OF EVIDENCE

4.1 My evidence will cover the following matters:

- (a) The context for VUW's interest in the proposal by the Council to extend the coverage of the wind objectives, policies and rules to include the Kelburn Campus;
- (b) My comments on the Council Officer's section 42A and the evidence of Mr Donn and Mr Locke;
- (c) Amendments to the wind provisions; and
- (d) Conclusion.

5. CONTEXT

5.1 VUW has three Campuses in Wellington. The main Campus at Kelburn is zoned "Institutional Precinct" under the Operative District Plan. The Institutional Precinct provisions do not include objectives, policies and rules in relation to the wind effects of building proposals.

- 5.2** The two other Campuses, Pipitea and Te Aro, are not zoned “Institutional Precinct”. They are within the “Central Area” zone. The Central Area provisions include the current Operative District Plan objectives, policies and rules in relation to the wind effects of building proposals.
- 5.3** The Proposed District Plan (PDP) seeks to extend the coverage of the wind objectives, policies and rules to include the Kelburn Campus. VUW’s submission is that this extension of Council control is not necessary.
- 5.4** Over the last 20 years VUW has proceeded to construct a number of new buildings on the Kelburn Campus. These have included Te Puni Village, The Hub, Maru Building, Alan MacDiarmid Building, Te Toki a Rata Building and The Living Pa (under construction). These new buildings have not been subject to Council control of the wind effects and as a result to my knowledge there have been no unacceptable adverse wind effects associated with any of these completed new buildings. This can in my view be attributed to VUW’s commitment to enhancing the existing environment of the Campus, providing a more attractive and safe Campus to walk through, and achieving a high standard of design, including consideration of wind effects.
- 5.5** The Campus is occupied by a number of longstanding tall buildings. These were designed and constructed decades ago when wind effects were not considered in the design of these buildings. To improve the environment of the Campus, VUW has taken steps to improve the entrances to these buildings to enhance pedestrian shelter from wind and rain and to assist with wayfinding. Examples are on the Kelburn Parade frontage of the Easterfield Building and the entrance to the Robert Stout building.
- 5.6** VUW requires the consideration of the wind effects in the design of new building proposals on the Campus. Examples are the proposed redevelopment of the Weir House part of the Kelburn Campus, and the proposed redevelopment of 320 The Terrace. In both cases, VUW commissioned wind experts at WSP Ltd to prepare a qualitative wind assessment of its new building proposals to assist with optimising the design.

5.7 I can therefore understand and support in these circumstances why VUW considers it is not necessary for the Council to extend its control of new building proposals on the Kelburn Campus to include wind effects.

6. COMMENTS ON THE COUNCIL REPORT AND EVIDENCE

6.1 Dr Donn's evidence in relation to VUW's submission is contained in his paragraphs 19.1 to 19.6. In paragraphs 19.5 and 19.6 he refers to additions to VUW's Commerce Building ("Rutherford House") on Lambton Quay, the construction of the Asteron Building on Featherston Street, and the construction of a building in Wigan Street as examples of why VUW's submission should not be accepted. The officer's report repeats these examples and states that they are within the Tertiary Education Zone. The above buildings are not within the Tertiary Education Zone. They are all within the Central Area zone under the Operative District Plan and the City Centre Zone under the PDP. They are therefore irrelevant examples to rely on when assessing VUW's submission that it is not necessary for the Council to extend its control of new building proposals on the Kelburn Campus to include wind effects.

6.2 Dr Donn in paragraph 19.1 states that VUW may be under the misapprehension that the PDP wind provisions apply to the whole Campus, whereas Dr Donn states that the provisions "*apply to a concern about the effect of buildings on the wind in adjacent public streets*".

6.3 The evidence of Mr Locke in paragraph 16 is that the PDP wind provisions should only apply to building developments within the Tertiary Education Zone "*where the building adjoins a public street...*".

6.4 I concur with the expert evidence of Dr Donn and Mr Locke that if the Panel are of a mind to recommend that the wind provisions should apply to building developments in the Tertiary Education Zone, the provisions need to be specifically worded so that there is certainty that they only apply "*where the building adjoins a public street*" (i.e. adjoins a legal road).

6.5 I consider that the proposed permitted activity status rule for the HZ and TEZ (WIND-R1.3) contains uncertainties. For example, when would a

building development on the Kelburn Campus be held to be permitted in circumstances where “adjacent” and “public street” are terms that are not defined by the PDP? Could Culliford Drive, a kerb and channelled road that bisects the Campus and which is accessible to the public but is not a legal road (i.e. it is land owned by VUW) be held by a Council resource consent officer to be a “public street”? What separation distance would a building development need to be away from a street before the Council consent officer can be persuaded that it is not “adjacent” and thus not subject to the wind rules?

- 6.6 Certainty of application of WIND-R1.3 is also important to VUW because the Campus is large and most of it is held in one Record of Title.

7. AMENDMENTS TO THE PROPOSED WIND PROVISIONS

- 7.1 The wind provisions need to be amended so that (i) they are consistent with the above expert evidence of Dr Donn and Mr Locke that the PDP wind provisions should only apply to building developments within the Tertiary Education Zone “*where the building adjoins a **public street**...*”, and (ii) to provide certainty and remove ambiguity.

- 7.2 I therefore recommend the following amendments.

- 7.3 In the introduction to the WIND chapter, add the following:

“For the Tertiary Education Zone and Hospital Zone which involve large Campus areas, the wind provisions are limited to managing the wind effects of building developments on adjoining legal roads”.

- 7.4 Add the following wind policy:

“WIND-P5 Building Developments in the HZ and TEZ that adjoin Legal Roads

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

7.5 Amend WIND-R1 for the HZ and TEZ to:

3. Activity Status: Permitted

Building development that is more than 20 metres from a legal road.

Building development within 20m of a legal road, provided:

- (a) the height does not exceed 15m above the level of the legal road; or*
- (b) additions to existing buildings above 15m do not exceed 4m in height or are set back at least 3m from building facades; and*
- (c) additions to existing buildings above 15m are less than 33% of the existing building volume.*

8. CONCLUSIONS

8.1 The case for extending the Council's control of new building proposals on the Kelburn Campus to include wind effects is in my opinion not strong. This is because VUW is an experienced developer of buildings with a proven track record over the last 20 years of constructing new buildings that do not generate adverse wind effects, and improve the safety and comfort of the Kelburn Campus.

8.2 The evidence of both the wind experts for the Council is that if the control of new building proposals on the Kelburn Campus is to be extended to include wind effects, it should be limited to building developments that adjoin or are adjacent to legal roads, these being Salamanca Road, Kelburn Parade and The Terrace.

8.3 To provide certainty and remove ambiguity, I recommend the above amendments to the wind provisions.

Peter Alan Coop

12 June 2023