

**Plan Change 9 – Hamilton Proposed District Plan**

Spark's interest in Plan Change 9 is relatively narrow. Spark has a building at 7 Caro Street which it uses as a telecommunications centre facility. As notified, Plan Change 9 has listed Spark's building, within Schedule 8A, classifying it as a heritage building. Spark opposes this classification or any heritage classification on its building.

The Council Officer recommends the Panel remove the heritage classification from this building. It is my submission, and I respectfully request, the Panel adopt the Council Officer's recommendations.

Today you will hear from:

- a) Graeme McCarrison, who is providing corporate evidence; and
- b) Robert Rawiri, providing Engineering evidence.

I do not propose to read my legal submissions in full and instead I intend to speak to a summary of the key points these being:

- a) The importance of Spark's operations
- b) Why the Spark's building has been incorrectly classified as a "heritage" building; and
- c) The implications of this heritage classification

**Nature and importance of Spark's operations**

In this day and age, the importance of Spark's operations are well-known. Majority of us in the room would rely heavily on the services Spark provides. While telecommunication connectivity appears relatively simple to the end user it is supported by a number of physical infrastructures such as fibre cables, satellites, and data centres.

Spark's data centre at Caro Street is an example of critical infrastructure. It is a key component to Spark's operations and supports the provision of its service across Hamilton and the wider region.

Given its critical role in the Waikato region, it is both necessary and appropriate PC9 sets out a workable framework to ensure critical infrastructure, such as the data centre, can continue to operate effectively.

**Incorrect classification**

Spark's data centre is an eight-story concrete structure. The Panel will be familiar with the methodology used in PC9 to determine whether buildings are historically significant. A building is assessed against 7 values. The data centre was ranked no higher than "moderate" for 6 of the values.

The only value where the building was ranked as being of "high" significance was that it was designed by Government Architect Fergus George Frederick Sheppard.

However, as far as Spark is aware, there were more than 100 Government Architect's during this period and Spark has seen no evidence to prove this building was actually designed by Mr Sheppard.

Furthermore, to date the building has undergone various repairs which has significantly altered the exterior of the building. Put simply, this building no longer reflects the architectural values of Mr Sheppard's work, if it was even designed by Mr Sheppard at all.

Ms Caddigan, Council's Heritage Expert, has recommended the heritage classification be removed given the façade panels have been almost entirely replaced, detracting from the heritage values of the building.<sup>1</sup> Spark agrees with Ms Caddigan and in my submission, the lack of evidence around the architect and extent of the works on the exterior of the building means it cannot fairly be classified as being of "historical significance".<sup>2</sup>

This approach is also supported by the Council Officer who has recommended the heritage classification is removed from Spark's building.

### **Required works**

The implication of the historical classification is that the exterior of the building is protected. Any maintenance which changes the outside of a building may require resource consent. Spark's building has been described by Mr Rawiri as being in a state of "disrepair". The building requires significant structure and durability work to upgrade the cladding panels, and strengthen the building's foundations.

These works will change the building's external visual appearance, which conflicts with its heritage protection under PC9. It means Spark will likely be required to go through an onerous resource consent process. This is an unnecessary loss of time and resources for Spark.

In my submission, this is a poor planning outcome. If PC 9 is accepted as notified, the District Plan will be failing to appropriately recognise and provide for Spark's critical infrastructure at 7 Caro Street.

### **Conclusion**

Due to the significant modifications that have been done on the building to date, the lack of evidence in relation to the architect and constraints to future required works, the building should simply not be recognised as one of "historical significance".

Spark respectfully requests the Panel adopt the recommendations of the Council's Heritage Expert and Council Officer and remove the telecommunications facility at 7 Caro Street from Schedule 8A and its heritage classification.

---

<sup>1</sup> Statement of Evidence of Ms Caddigan dated 24 August 2023, page 30.

<sup>2</sup> Statement of Evidence of Ms Caddigan dated 24 August 2023, page 30.