



24 September 2014

The District Plan Hearings Panel
Thames Coromandel District Council
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Submitted by E-mail to Lisa Madgwick

To the District Plan Hearings Panel

Proposed District Plan Hearings: Section 31 Historic Heritage

Introduction

We act as planning advisors for Chorus New Zealand Limited (Chorus) in relation to the Proposed Coromandel District Plan.

This letter represents the position of Chorus in regard to their submissions on matters relating to Historic Heritage in Section 31 of the Proposed Plan. The matters in question are relatively minor and the officer recommendation is acceptable to Chorus subject to the Panel agreeing with the reporting planner's interpretation of the meaning of "Maintenance and/or Repair". Accordingly Chorus has elected not to send representatives to the hearing and requests that this letter is tabled with the District Plan Hearing Panel to record their position on this matter.

Chorus Submission

The Chorus submission was made in relation to Rules 4, 6 and 16 of Section 31 Historic Heritage. These rules relation to *maintenance and/or repair* in a Historic Heritage Item Overlay (Rule 4), and exterior additions or alterations in a Historic Heritage Item Overlay (Rule 6) and Historic Heritage Area Overlay (Rule 16).

Chorus's submission was that the replacement of an overhead customer connection to a listed heritage building does not meet the definition of *Maintenance and/or Repair*, and thus would require resource consent if considered as an external addition or alteration. *Maintenance and/or Repair* is a permitted activity. Chorus has concerns that replacement of an existing copper connection with a new connection such as a new fibre broadband line may therefore require resource consent although the effects would be the same of very similar.

For certainty, Chorus sought a new permitted activity rule as follows:

The replacement of an overhead telecommunications or electricity customer connection to a listed heritage item is a permitted activity provided that the connection is made to the same or similar location on the heritage item as the existing connection.

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Officer Recommendation

The Chorus submission is addressed in paragraphs 133 (discussion) and 140 (recommendation) of the s42A report (Attachment A).

The officer recommendation is to reject the Chorus submission. However, the reason given is not that the Chorus submission point does not have merit, but rather than in the officer's view, replacement of a customer connection is already enabled under the current definition of *Maintenance and/or Repair*, particularly as the definition includes "*replacement of minor components*". The relevant definition is set out below:

*Maintenance and/or Repair means the regular and on-going protective care of an archaeological site or area, or a Māori Cultural Site to prevent deterioration. It also means the restoration of a historic heritage item (including part of the heritage item) to good or sound condition. It may include painting, plumbing, guttering, water washing, patching, piecing-in, re-piling, splicing and consolidating existing materials, including **replacement of minor components**, such as individual bricks, cut stone, timber sections, tiles and slates. Repair of material or buildings should use and be of the original or similar material, colour, texture, form, design and strength as the original it replaces. [our emphasis added]*

Relief Requested

We had initially been of the view that replacement of minor components was intended to be in relation to the heritage fabric of the building rather than network utility connections. However, if the Panel agrees with the officer's position on the definition, then Chorus is happy not to pursue its requested relief but asks that the Panel clearly record in their decision report that replacement of network utility connections is covered by *Maintenance and/or Repair*. Recording of such will assist if there is any future dispute on the correct interpretation and application of these rules.

In the alternative, should the Panel not consider that replacement of an overhead service connection is covered by the definition of *Maintenance and/or Repair*, then Chorus requests that the original relief sought as outlined above is granted.

Thank you for your consideration.

Should you wish to discuss any of the matters raised in this letter please do not hesitate to contact the writer on (09) 369 1465.

Yours sincerely
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