

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of an application by New Zealand Fruitgrowers' Charitable Trust to the Wellington City Council for a resource consent to reinstate a sign on the building located at 2 Jervois Quay, Wellington (**the Application**)

**EVIDENCE OF KEITH MACKENZIE
FOR THE NEW ZEALAND FRUITGROWERS' CHARITABLE TRUST
(Executive Director of New Zealand Fruitgrowers' Charitable Trust)**

22 November 2022

1. QUALIFICATIONS AND EXPERIENCE

- 1.1** My full name is Keith Harold Mackenzie.
- 1.2** I trained as an Accountant and was a member of the New Zealand Society of Accountants, now known as Chartered Accountants Australia and New Zealand, for over 30 years until I retired from full time work. I have been Chief Accountant and Finance Manager for a number of companies, a trustee of a corporate superannuation fund and I have been a Director of a number of property owning companies.
- 1.3** I have been the Executive Officer of New Zealand Fruitgrowers' Charitable Trust (**NZFCT**), a registered Charity number CC21071, and a Director of its wholly owned subsidiary company Huddart Parker Building Ltd (**HPBL**) since October 2016.
- 1.4** On a more personal note, I was employed by Caltex Oil in the 1960s. Caltex installed the original sign on the building in 1963 which I remember well. I also recall the subsequent signs erected over the years, including the time and weather information.

2. SCOPE OF EVIDENCE

2.1 I have prepared this evidence to set out the reasons for the consent application for the sign and to explain the intended approach to its construction and use.

2.2 In preparing this evidence, I have read all of the submissions received on the Application, and Wellington City Council's (**Council**) section 42A report dated 15 November 2022.

2.3 My evidence covers:

- (a) Relevant background facts and context;
- (b) A summary of the key features of the proposed sign;
- (c) Benefits of the sign for the maintenance of the building;
- (d) Structural requirements of the sign;
- (e) Comments on the Council Report;
- (f) Comments on submissions; and
- (g) Conclusions.

3. SUMMARY OF EVIDENCE

3.1 The proposal is for a 13m x 4m sign in landscape format that will provide advertising and time and weather information to Wellingtonians in the CBD.

3.2 The original sign was removed to enable seismic strengthening of the building. It was always the intention for a sign to be placed back on the building after strengthening was completed. The proposal is now to reinstate a sign to the roof of the building utilising the existing framework that is already in place for that purpose.

3.3 Being a heritage building, the building needs regular maintenance which the revenue from the advertising on the sign will support.

3.4 NZFCT was heartened by the submissions received in support of the proposal, as it agrees that the presence of the sign on the building made both the sign and the building local landmarks.

4. RELEVANT BACKGROUND FACTS AND CONTEXT

- 4.1** The Huddart Parker Building initially had a sign installed on it in the 1960s, at a time when the Building was the tallest building in the area. The western Jervois Quay development makes it now one of the smaller buildings. The Caltex Oil sign was installed on top of the building in 1963 and from the time it was installed the sign was the first to show both time and weather conditions. It was also the first in New Zealand to be linked to the Metservice for weather information. The sign was on the building when the building was listed as a heritage building in the District Plan.
- 4.2** I am also aware that when the freehold interest in the land under the Building was sold to HPBL by the Council in 2002, the Council noted that the operational sign had sentimental value to the public.
- 4.3** The sign was only decommissioned in 2012 to enable building work to be carried out to strengthen the building to 100% of the National Building Standard. This work cost \$9 million and took around 14 months to complete. The intention was always to reinstate the sign and this is evidenced by the fact that the framework to support a sign was never removed.
- 4.4** The intention to reinstate a sign was also reflected in all of the leases entered into for the building by way of a clause confirming the landlord's right to affix signage to the exterior or roof of the building without requiring any consent from the tenants.
- 4.5** When the sign was removed from the building, it held existing use rights that went back to 1963. The intention was that the sign would be reinstated within 12 months (to retain those rights), however the strengthening works took longer than anticipated meaning those rights were lost. Strengthening work was completed in 2014.
- 4.6** Shortly after I commenced working with the NZFCT in 2016, I learned that an application to reinstate the sign had been made by GoMedia. I understand that an application was made for resource consent, but was ultimately not pursued as further technical evidence was required.

4.7 Following on from that consent application, NZFCT undertook to make an application for resource consent for the reinstatement of the sign. However, the lodgement of the application was delayed as COVID travel restrictions prevented NZFCT's expert heritage witness from visiting the site until December 2021.

5. KEY FEATURES OF THE PROPOSED SIGN

5.1 The proposed LED sign will be designed to fit on the existing metal framing on the building and is proposed to measure no more than 13 metres by 4 metres. The time and temperature will be shown on the sign at all times.

5.2 I think that the proposed sign is a modern update of the previous signage on the building that was in place since 1963. As the sign will provide time and temperature information, this continues the history of the sign on the building. Provision of that information is a fundamental part of the proposed sign as it provides a community good.

5.3 As is discussed by Mr Adam Wild in his evidence, the sign itself in its various forms has heritage value in that it was the first sign in New Zealand to show both time and weather. Weather information was obtained directly from the MetService. The sign identifies the building and for 50 years it was the only Wellington sign with time and weather information. When reinstated it will restore that history and context to the building and surrounding area.

5.4 I acknowledge that the Huddart Parker Building is part of the Post Office Square heritage area. My understanding is that not all new elements added to a heritage area need to be directly related to the heritage of the area, for example the steel and neon sculpture that the Council erected in the square in 2006. However, the reinstatement of the sign does have history relating to the area. This is recognised on the Council's website, which acknowledges the history of the time and temperature information

on the building as part of the heritage descriptions for Post Office Square,¹ and for the Huddart Parker building itself.²

- 5.5** It is also reflected in my own memories of the sign on the building, and of the general public's recollection as evidenced by the submissions received in support of the sign. I consider that the community element relating to this sign makes it unique.
- 5.6** NZFCT has not yet entered into an agreement with a signage company to lease the sign. However, any lease signed will retain some advertising time for ourselves to use to ensure the community aspect the sign always had is retained. This will include time and temperature, as well as the retention of time on the sign for community purposes.
- 5.7** As an example, we have agreement from 5+aDay Charitable Trust to use their trademarked logo to advertise 5+aDay healthy eating. We will also allow the Council access to the sign at no cost to it to advertise community notices such as planned road closures.
- 5.8** As we have with our equity portfolio manager, we will prohibit the advertising of socially negative products. Again this will be a term of any lease we enter into.

6. BENEFITS OF THE SIGN FOR MAINTENANCE OF THE BUILDING

- 6.1** Old buildings are more expensive to run and maintain than newer buildings. For example, in addition to the earthquake strengthening I mentioned earlier, at present we are looking at a number of maintenance items that need to be completed in the next 12 months with an estimated cost of around \$650,000 (including re-roofing and repainting the building). HPBL would be happy to create a "Deferred Maintenance Reserve Fund" in our financial statements funded from the sign rental. In this way, providing a sign on the building will ensure its heritage features and values are maintained.

¹ Refer to the Historic Context and Social Values descriptions (<https://wellingtoncityheritage.org.nz/areas/16-post-office-square>)

² Refer to the Sentiment Connection description (<https://wellingtoncityheritage.org.nz/buildings/151-300/155-huddart-parker-building>)

- 6.2** Any sign rental, whether it is set aside in a special reserve fund or not, increases our ability to further NZFCT's charitable causes.

7. STRUCTURAL REQUIREMENTS OF THE SIGN

- 7.1** As I have already discussed, given the intention has always been to reinstate the sign, the existing framework to support a sign has never been removed. NZFCT has a structural engineer's report prepared by Dunning Thornton (dated 23 September 2020) advising that the existing frame with some areas strengthened could be used to support the proposed sign. This recommended work will be done before installation.

- 7.2** Despite the above, if the side profile of the sign (view from Grey Street) could be enhanced by replacement with a new frame (that would mean the struts that are visible from Grey Street would be removed) then subject to engineering feasibility this would be considered.

8. COMMENTS ON COUNCIL REPORT

- 8.1** In its description of the heritage values of Post Office Square, the Council has identified the neon time and temperature sign as part of the heritage context of the building and the surrounding area. However, Council officers have questioned the value of the reinstatement of the sign on the building noting that people now have mobile phones to access that information. While we have mobile phones today, we also had wrist watches back in the 1960s. I consider that the public information provided on the sign fulfils a broader purpose including by providing helpful and meaningful information to the community, conveniently displayed in a public place so that people in that location can see the information without having to check their phones. For example, the sign will offer a benefit to cyclists who cannot easily or safely check the time.

- 8.2** The officer has also stated that there are no public benefits associated with erecting a sign in this location. I disagree. My view is also supported by the 11 positive submissions made on the application. I note that while the time and temperature elements provide a benefit, the sign will also be used to show public service notices. I also consider that advertising

provides some public benefit, for example letting the public know about concerts, sports events, and products that may be of interest to them.

- 8.3** The provision of the sign will also assist NZFCT with maintenance and upkeep of the building, which provides a public benefit to Wellingtonians as it will assist in ensuring the heritage elements of the building continue to be well maintained.

9. COMMENTS ON SUBMISSIONS

- 9.1** In response to the public notification of the resource consent application for the sign, 11 submissions in support were received from members of the public. The submissions comment on the benefits of showing the time and weather information in this location. This reflects the fact that the sign was a Wellington landmark for 50 years before decommissioning to facilitate seismic strengthening. People still identify the building as the one with the time and weather sign on it.

- 9.2** The submission from Stout St Chambers stated that the proposed sign is unnecessary to fund maintenance of the building. It is unclear the basis on which this comment was made, and it is unsubstantiated. While Stout Street Chambers will know the rent they pay, they know nothing else about the building company's finances or the NZFCT's commitments.

- 9.3** I have met with Boffa Miskell, Stout Street Chambers and the InterContinental Hotel to better understand the concerns raised in their submissions. As most of the concerns are relatively technical relating to matters such as heritage, glare and the dwell time of the signs, the substance of the submissions is largely addressed in the evidence of the technical experts.

Keith Harold Mackenzie

22 November 2022