

Board Report

Date

Friday,
16 December 2022

Venue

Eke Panuku office,
82 Wyndham Street
and online via Teams



Board agenda

Where: In person at the Eke Panuku office, 82 Wyndham St, and online via Teams

When: Friday, 16 December 2022 | 8.30am – 10.00am

Board members: Paul Majurey – Chair
 David Kennedy – Deputy Chair
 John Coop – Director
 Kenina Court – Director
 Steve Evans – Director
 Susan Huria – Director
 Jennifer Kerr – Director

Local Government Official Information and Meetings Act 1987 (LGOIMA) statement

Information contained in sections of this agenda should be treated as confidential, as releasing it would prejudice the commercial position of Panuku or Auckland Council. Under Section 7 of the Local Government Official Information and Meetings Act 1987, Panuku is entitled to withhold information where making available the information:

- *would be likely unreasonably to prejudice the commercial position of a third party s7(2)(b)(ii);*
- *to maintain the effective conduct of public affairs through the free and frank expression of opinions s7(2)(f)(i);*
- *would be likely to prejudice or disadvantage the commercial position of council s7(2)(h); and*
- *would be likely to prejudice or disadvantage negotiations s7(2)(i).*

1.	<p>Meeting open</p> <p>1.1 Procedural motion to exclude the public</p> <p>Put the motion that, pursuant to clause 12.3 of the Eke Panuku Constitution, the public be excluded from confidential papers or parts thereof, so that commercially sensitive issues can be discussed.</p> <p>1.2 Apologies</p>
2.	Chief Executive's report
3.	Health and Safety
4.	<p>Decision papers</p> <p>4.1 Financial reporting to Auckland Council 31 December 2022</p> <p>4.2 Downtown Car Park redevelopment</p>
5.	<p>Governance matters</p> <p>5.1 Director interests</p> <p>5.2 Director meeting attendance</p> <p>5.3 Minutes of 23 November 2022 board meeting</p>

Local Government Official Information and Meetings Act 1987.

7 Other reasons for withholding official information

(1) Where this section applies, good reason for withholding official information exists, for the purpose of [section 5](#), unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

(2) Subject to [sections 6, 8, and 17](#), this section applies if, and only if, the withholding of the information is necessary to—

(a) protect the privacy of natural persons, including that of deceased natural persons; or

(b) protect information where the making available of the information—

(i) would disclose a trade secret; or

(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or

(ba) in the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the [Resource Management Act 1991](#), to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or

(c) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—

(i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or

(ii) would be likely otherwise to damage the public interest; or

(d) avoid prejudice to measures protecting the health or safety of members of the public; or

(e) avoid prejudice to measures that prevent or mitigate material loss to members of the public; or

(f) maintain the effective conduct of public affairs through—

(i) the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom [section 2\(5\)](#) applies, in the course of their duty; or

(ii) the protection of such members, officers, employees, and persons from improper pressure or harassment; or

(g) maintain legal professional privilege; or

(h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or

(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

(j) prevent the disclosure or use of official information for improper gain or improper advantage.

Eke Panuku Development Auckland (Eke Panuku)

Eke Panuku partners with the development sector, iwi and central government to facilitate redevelopment of selected areas across Auckland to promote quality-built environments and residential and commercial growth. Eke Panuku will actively review the council group property portfolio for sites that are surplus to service requirements, require renewal or are underutilised and make land available for redevelopment. Eke Panuku will continue to redevelop the city waterfront area and manage non-service properties on behalf of the Auckland Council Group. Eke Panuku's subsidiary is Westhaven Marina Limited.

Our name

'Eke Panuku' means 'to move forward' and that's exactly what we're helping Auckland to do.

Our vision

Creating amazing places.

Our mission

The mission of Eke Panuku is to rejuvenate urban Auckland, from small projects that refresh a site or building, to major transformations of town centres or neighbourhoods. Eke Panuku improves the uses of land and buildings that Auckland Council owns, attracts private investment and together we unlock their potential to create spaces Aucklanders love.

Our purpose

The purpose of Eke Panuku Development Auckland (Eke Panuku) is to contribute to the implementation of the Auckland Plan and encourage economic development by facilitating urban redevelopment that optimises and integrates good public transport outcomes, efficient and sustainable infrastructure and quality public services and amenities.

Eke Panuku will manage council's non-service property portfolio and provide strategic advice on council's other property portfolios. It will recycle or redevelop sub-optimal or underutilised council assets and aim to achieve an overall balance of commercial and strategic outcomes.

What we do

Eke Panuku Development Auckland helps to redevelop parts of our city, we're working to improve the quality of urban living across Auckland.

To do this it's important to understand the communities in which we work. We manage around \$2 billion of land and buildings that Auckland Council owns, which we continuously review to find smart ways to generate income for the region, grow the portfolio or release land or properties that can be better used by others.

Apologies have been received from Directors John Coop and Kenina Court.

Information paper: Chief Executive's Report

Document author: David Rankin

November 2022

Whakarāpopototanga matua | Executive summary

1. This is a public report with confidential information redacted, indicated in [blue font](#). Where redacted information exists, a reference to the section of the Local Government Official Information and Meetings Act 1987 (LGOIMA) has been cited in the publicly available version of the agenda. It incorporates a range of material on current and emerging issues.

Matapaki | Discussion

Wynyard Quarter tram

2. In September 2021 the Eke Panuku Board considered the future of the Auckland Dockline Tram in the context of a changed urban environment, development pressures and increasing constraints to safely operating the tram. We then sought a decision through council's Planning Committee in November 2021 to disestablish the tram and to make alternative arrangements with MOTAT.
3. The following resolution was passed by Planning Committee:
 - a) Support the cessation of the Auckland Dockline Tram in late 2022.
 - b) Support the transfer of the tram and equipment to MOTAT, the current operator, including support to contribute to the cost of purchasing the leased Melbourne tram and necessary remedial works to the total estimated cost of \$600,000.
 - c) Support the development of a comprehensive stakeholder management and communications strategy to appropriately communicate the decision on the future operation of the Auckland Dockline Tram.
4. In the papers to the Board and Planning Committee, the key driver for timing was the need for Willis Bond to start its site establishment in early 2023 on West 2 which is the tram shed site. As the Board is aware, Eke Panuku and Willis Bond have delayed their start on West 2.
5. The Executive has considered the timing options for what this delay means for the cessation of the tram. In consultation with MOTAT, the Executive has agreed to postpone the cessation date to the end of April 2023 which will allow the tram to operate through the summer. This position will be reviewed again in February 2023. The intention is to deliver on the resolutions agreed through the Board and Planning Committee.

Board Strategy Day

9. The Board Strategy Day was held at Buddle Findlay on Wednesday 23 November. A feature of this year's strategy day was the large number of external guests. The agenda for the day was centred around the business plan priorities. These included the partnership with NZ Super Fund, preparation for council's budget process, and cementing our role as the lead agency for the city centre.
10. Reflecting our important partnership with mana whenua, our iwi leader guests provided perspectives on the relationship, looking backwards and forwards in the opening session focused on the future of Tāmaki Makaurau. Nick Hill from Tātaki Auckland Unlimited explored the role of cities and city centres drawing from the Koi Tū Reimagining Tāmaki Makaurau work and the global cities analysis. Board Directors spoke to a range of issues and opportunities and provided guidance and support for the forthcoming budget process. Notes of the day are provided as Attachment A.
11. Feedback from the Board is invited on the quality of the content, arrangements, refreshments and venue. In terms of next steps, the Executive will continue to engage with the Board on the budget process. Wider insights and direction will be incorporated in the FY23/24 business plan, as appropriate, and in the city centre action plan.

Achieving Māori Outcomes within the Selecting Development Partners Policy

12. On 28 September 2022, the Eke Panuku Board approved an update to the Selecting Development Partners Policy. The Board confirmed it supports allocating 15% of the weighting towards Māori outcomes. The Board also directed the Executive to discuss the updated policy with mana whenua.

- 13. On 17 October 2022, at a Mana Whenua Governance Forum, Eke Panuku discussed the updated Selecting Development Partners Policy with mana whenua. Some mana whenua representatives expressed a concern about how the 15% weighting for Māori outcomes would apply. Specifically, they were concerned that they could be competing against other non-mana whenua groups for the 15% weighting for Māori outcomes.
- 14. The Board considered how Eke Panuku should treat iwi and Māori organisations at its strategy day on 15 December 2021. The Board said that we should treat mana whenua preferentially compared to other Māori organisations, like Te Whānau o Waipareira; or iwi organisations from outside Tāmaki Makaurau, like Ngai Tahu. The Board said we have a higher duty of care to our mana whenua partners over and above other Māori organisations. At present, the current policy is not clear if non-mana whenua organisations would be eligible to receive the weighting for Māori outcomes.
- 15. Eke Panuku must carefully balance its close relationship with mana whenua against its wider goals to see Māori culture and identity celebrated within the built environment. To best achieve positive outcomes for Māori, we'd like to propose that development consortiums with mana whenua partners should be eligible to receive 9% of the total 15% allocated for Māori outcomes. However, non-mana whenua developers who meet our strategic criteria would be eligible to receive 6% of the 15% for Māori outcomes.
- 16. The weighted criteria below is an example of how the 15% weighting for Māori outcomes compares to the other essential outcomes on a development site.

Criteria	Weighting
Māori outcomes	15%
Alignment to vision and essential outcomes, design brief – design, housing mix, sustainability, social procurement	10%
Track record, capability, financial capacity, resource	25%
Price/value	50%
Total	100%

- 17. The table below is an example of how the 15% weighting for Māori outcomes could be broken down. We believe this will incentivise the development community to work with mana whenua developers while also encouraging them to achieve Māori outcomes if they cannot secure a partnership with mana whenua.

*Delivery of Māori Outcomes – 15% of Total Weighting	Weighting
Mana whenua partnerships Does your development consortium include a mana whenua partner? (If a mana whenua group is part of the development consortium the full 9% is awarded.)	9%
Social procurement Demonstrate your current and/or proposed approach in growing the capability and capacity of mana whenua (skills and employment). How do you, for example, propose to work with Māori interns, graduates, subcontractors, and Māori-owned businesses?	3%
Expression of culture and identity Demonstrate your current and/or proposed approach to express mana whenua culture and identity within the design of the development. For example, partnering with mana whenua, working with Māori artists, responding to local cultural narratives, and expressing mana whenua design values.	3%
Total	15%

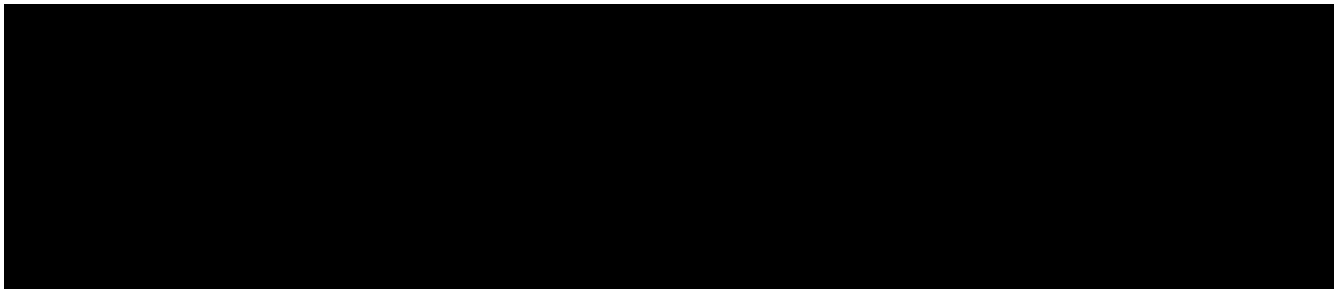
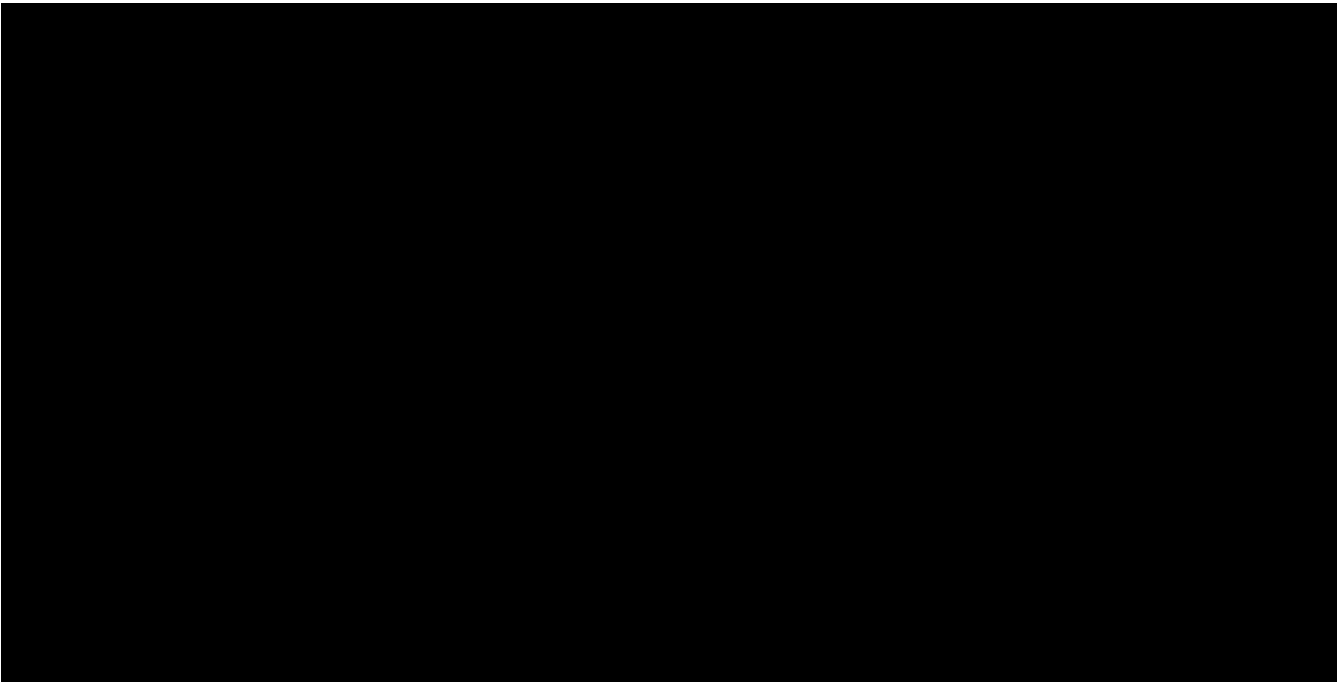
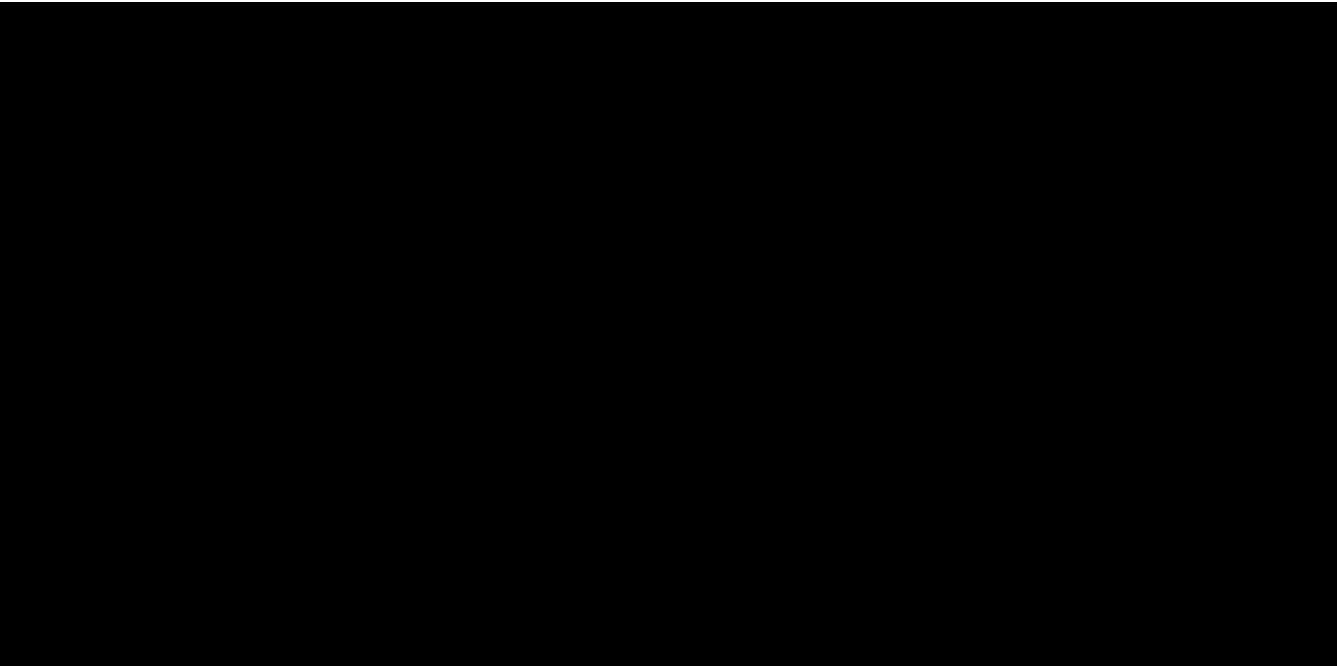
18. If a development consortium has a mana whenua partner, it would receive the full 9% weighting. The remaining 6% will be available to any organisation on a sliding scale that can deliver social and Māori design outcomes.

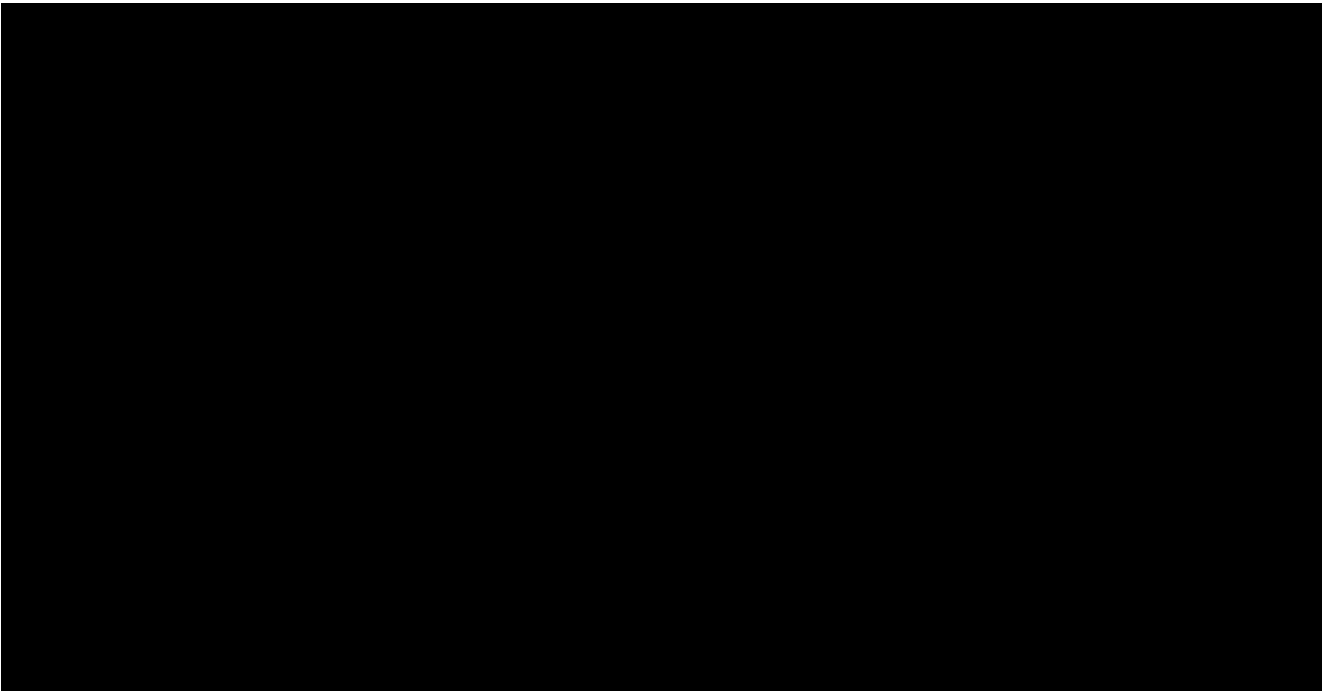
19. The tables below show examples of how this could be applied:

Māori procurement		
1%	2%	3%
The appointment of Māori interns/graduates	A commitment to procure mana whenua nominated businesses on the project	A significant portion of the total cost of the project will be directly/indirectly awarded to Māori businesses

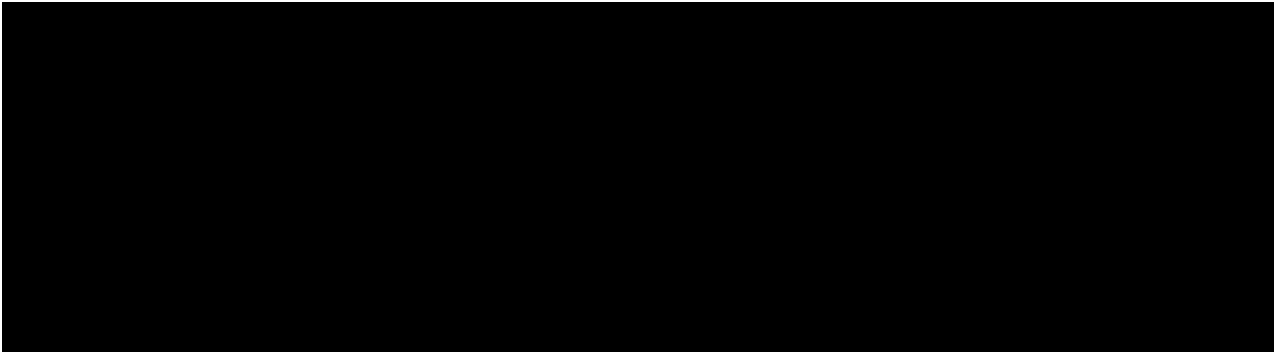
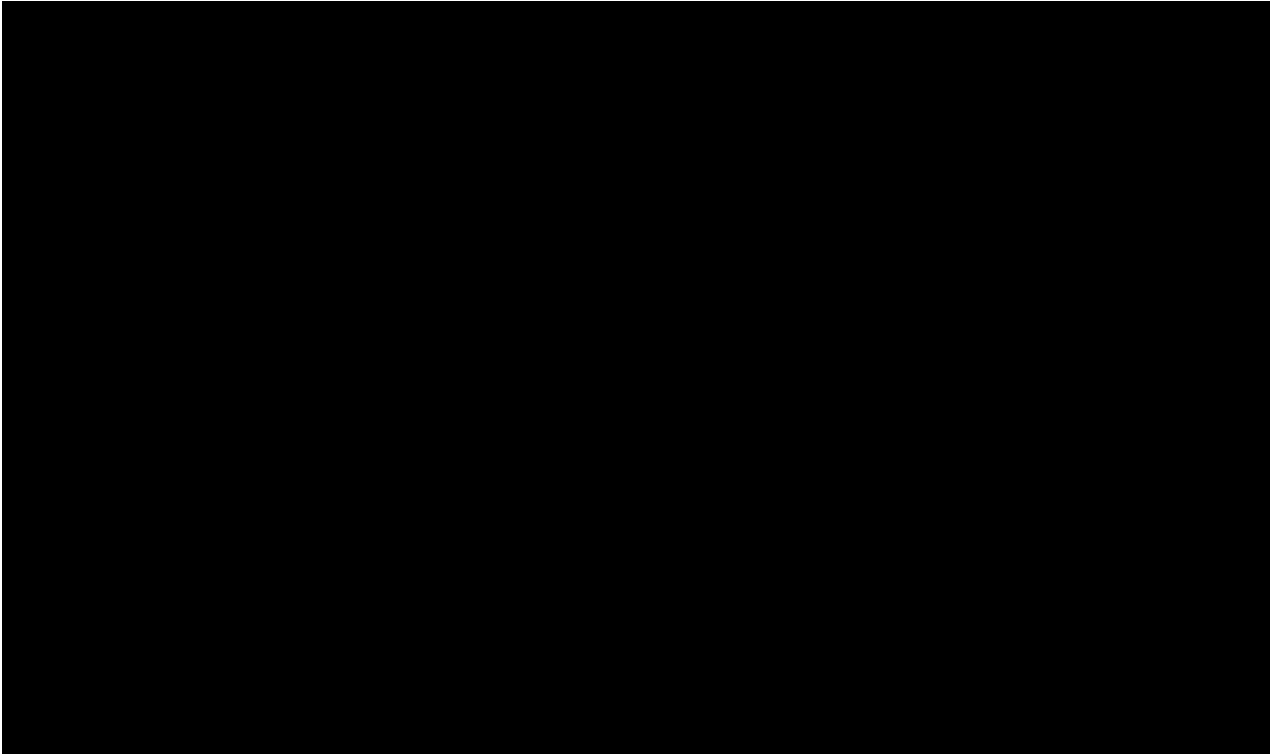
Māori design outcomes		
1%	2%	3%
The creation of a standalone Māori artwork	A commitment to work with mana whenua and their artists to express Māori identity	The submission identifies multiple opportunities to express Māori identity throughout the design

20. Although the example proposes 3% for procuring Māori businesses, and 3% for expressing Māori identity, we would set the criteria on a case-by-case basis depending on the opportunity.





Budget proposal



Communications and engagement update

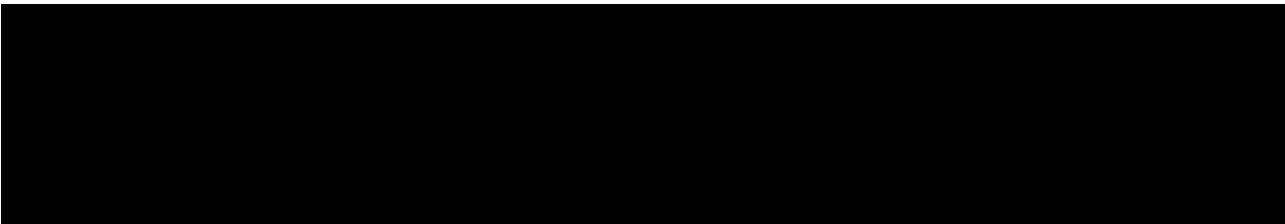
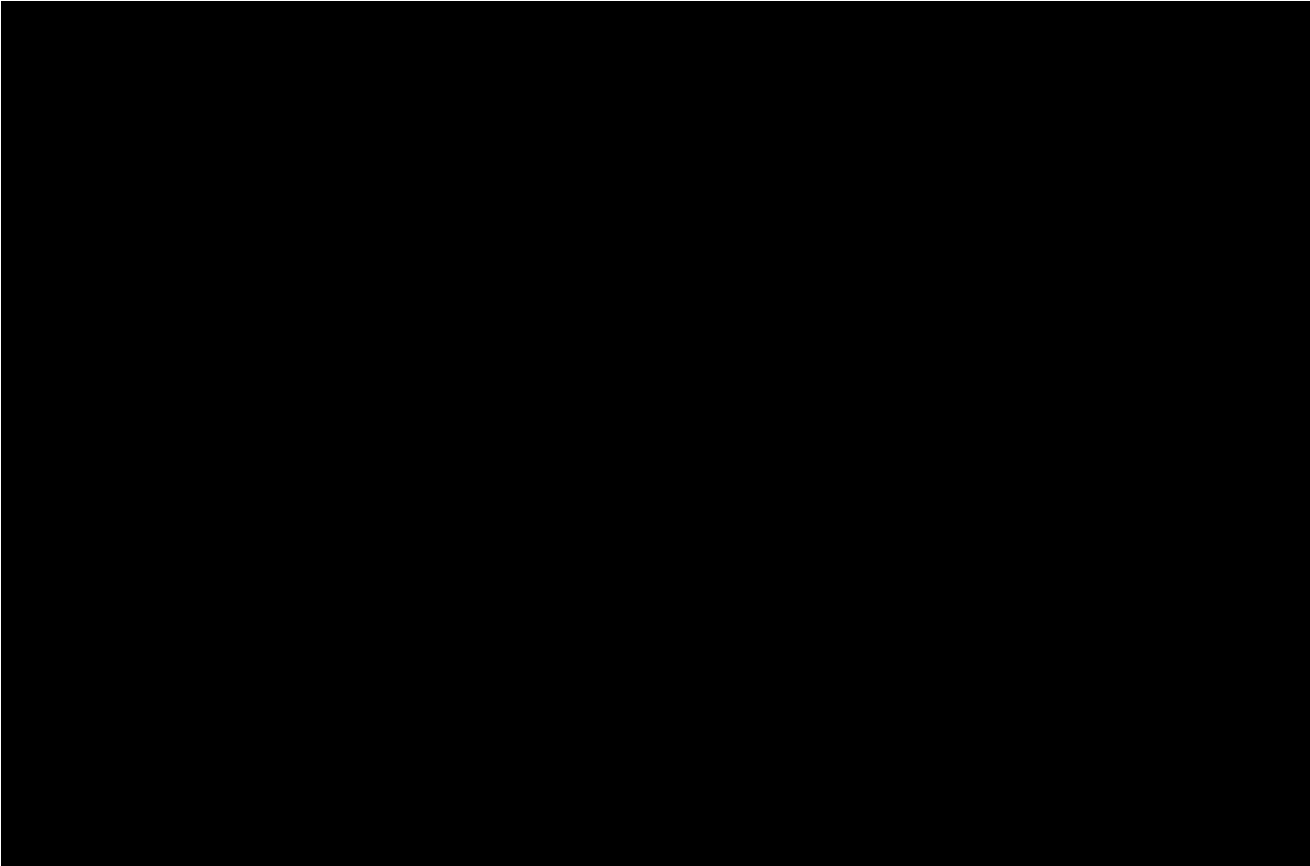
32. For some time now, our public information, news stories and engagement with key stakeholders have incorporated our re-aligned and refreshed look and feel and vision: Creating Amazing Places as approved by the Board in late 2021.
33. Based on feedback received through our community insights research (shared with the Board in May 2022), Eke Panuku has increased the quantity of public information it shares to respond to the feedback that both residents and frequent visitors of our priority locations have told us that they would like to see and hear more of Eke Panuku and our projects.
34. Eke Panuku uses a number of channels to communicate with our communities and stakeholders. We have strong relationships with journalists operating in mainstream media. In the last reported quarter (July to September) analysis shows our Media Impact Score is consistently increasing (from 1.4 to 1.7) and the quantity of our mainstream media coverage increased by 40% (156 reports) with around 50% of coverage very positive or positive and 30% neutral.
35. When our news isn't suited to mainstream media, we publish our stories on our own channels. Eke Panuku has a significant following across a number of social media platforms where we can also receive feedback:
 - Instagram <https://www.instagram.com/panukuakl/>
 - LinkedIn is a more 'corporate' platform where we also post job opportunities: <https://www.linkedin.com/company/panukuakl/>
 - Facebook <https://www.facebook.com/PanukuAKL>
 - Twitter <https://twitter.com/PanukuAKL>
 - We also share content on Auckland Council's 'Our Auckland' which is a great site for a wider range of council news: <https://ourauckland.aucklandcouncil.govt.nz/>
 - You Tube <https://www.youtube.com/@EkePanuku>

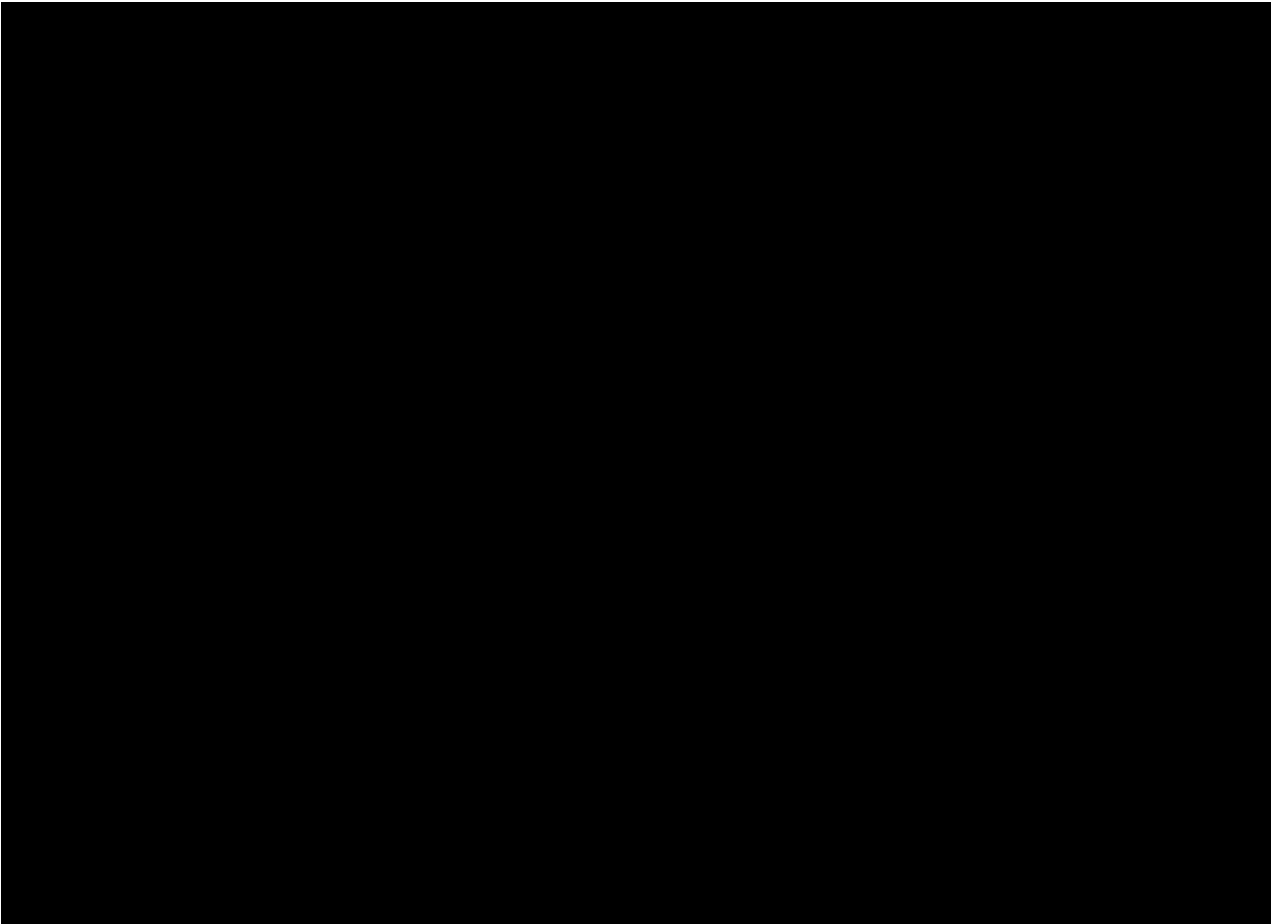
- Soundcloud <https://soundcloud.com/acityofneighbourhoods>
- EP stakeholder emails

36. In the first half of 2023, we plan to launch a new website with greater storytelling functionality (video, case studies) and we plan to launch a TikTok channel to target a younger demographic.

37. A new engagement strategy, which will be presented to the Board in the New Year, outlines our approach to open and transparent engagement. It includes an engagement and relationship plan for elected representatives that provides each Councillor with a member of ELT assigned as a key contact. Regular informal catch-ups are scheduled along with our appearance at specific committees. In response to feedback from local boards that they wish to hold relationships with senior decision-makers, we will continue our approach of Priority Location Directors regularly meeting with and being the key contact for local boards in our priority locations.

38. Recently, we have begun to share our responses to LGOIMAs on our website when they provide information on topics that are of wider public interest (e.g. when those topics appear in the mainstream media).





Ngā tāpirihanga | Attachments



Attachment C – Monthly dashboard November 2022



Monthly reporting pack

Period ending 30 November 2022

Executive summary

Programme

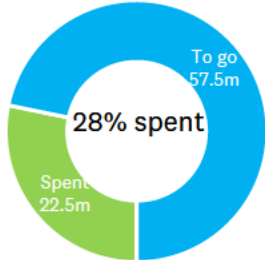
- Capex budget of \$80m, spend for the month was \$5.3m. Year to date spend is at \$22.5m, which is \$20.9m less than phased budget, acquisitions in Pukekohe and Manukau have yet to be agreed and projects under construction ie Waiwharariki Anzac Square and Clifton Court have been progressing slower than schedule. As part of our response to the Council's budget shortfall, we will defer \$20m of this year's capital spend.
- Opex budget of \$13.1, regeneration opex spend for the month was \$1.1m. Year to date spend is at \$5.1m, which is in line with expectation.
- Sales target for this year is \$91.7m. There were no unconditional agreement sales for the month of November 2022. YTD sales contributing to the sales target total \$30.1m.

Company wide financials

- Managed properties budget of \$29.3m has achieved a net surplus of \$13.6m year to date, which is \$5.4m ahead of the phased budget.
- Expenditure budget of \$41.4m, year to date spend is \$15.9m, which is \$1.6m under phased budget.
- Revenue budget of \$17.2m, year to date is \$7.7m which is \$0.1m ahead of budget.

Programmes summary

Capex budget \$80m



Capex spend for the month was \$5.3m. Year to date spend is at \$22.5m, which is \$20.9m behind phased budget.

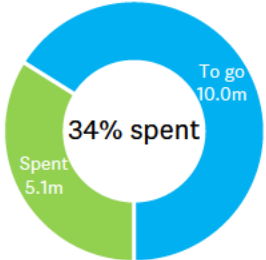
Some active construction projects are running a little behind, but we are confident that they will catch up during the year.

As part of the Eke Panuku's response to the Council's request for savings for the FY23/24 year there is a need to reduce the scale, scope and speed of some of the capital projects. In order to have the savings impact required next year, the opportunity to defer \$20m of capital spend this year has been taken.

Some of the cost savings will be achieved through changing commitments with development partners and slower negotiating on acquisitions. We will be continuing the delivery of committed projects including those currently under construction. Work will be continuing on business cases, design and resource consenting to get projects to a point where they are ready to go for delivery.

Further work will be undertaken to look at prioritising which projects will go forward to implementation for the remainder of this year and FY24.

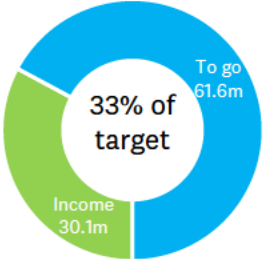
Opex budget \$15m



Regeneration opex spend for the month was \$1.1m, year to date spend is \$5.1m.

Spend still tracking consistently each month, with an increase in spend expected in the next quarter as place making events increase in the summer months.

Sales target \$91.7m



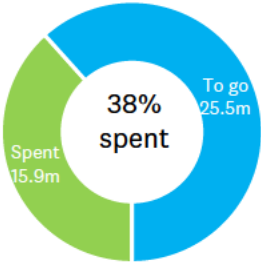
In November, there were no unconditional sales.

The sales target is made up of :

Transform & Unlock	\$21.7m
General asset sales	\$70.0m
Total	\$91.7m

Company wide financials

Expenditure budget \$41.4m



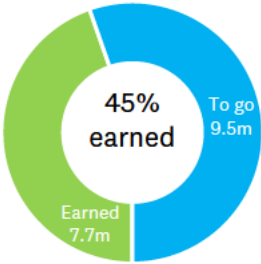
	Actual YTD	Budget YTD	Var YTD
People	\$13.3m	\$13.9m	\$0.6m
Other	\$2.6m	\$3.6m	\$1.0m
	<u>\$15.9m</u>	<u>\$17.5m</u>	<u>\$1.6m</u>

Expenditure year to date is \$15.9m which is \$1.6m under phased budget.

People costs are \$0.6m behind budget, there are 19 vacant positions and 6 are currently being recruited.

Other expenses were \$1.0m less than budget. There has been a \$0.2m saving in insurance costs and \$0.1m of Technical Advisory Group (TAG) costs to date have been transferred to capital projects. Internal audit costs are currently tracking \$0.1m less than budget and there is potential for savings in this area in the year. The remaining \$0.6m of under spend in year is a timing difference as business plan objectives are worked through. There is potential for a further increase to budget savings in the remainder of the year.

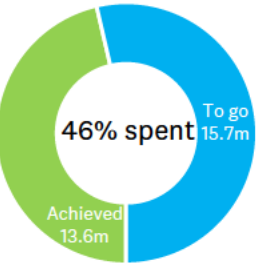
Revenue budget \$17.2m



	Actual YTD	Budget YTD	Var YTD
Recharge Viaduct	\$7.0m	\$6.8m	\$0.2m
Marina South	\$0.4m	\$0.5m	(\$0.1m)
Marina Trust	\$0.3m	\$0.3m	\$0.0m
	<u>\$7.7m</u>	<u>\$7.6m</u>	<u>\$0.1m</u>

Revenue year to date is \$7.7m which is tracking slightly ahead of budget. In November we recharged the Development Programme Office (DPO) for the costs year to date for our lead role in the City Centre. The recharge of these costs will now happen monthly.

Managed properties surplus budget \$29.3m



	Actual YTD	Budget YTD	Var YTD
Commercial Prop.	\$8.3m	\$4.8m	\$3.5m
Marinas	\$3.8m	\$3.1m	\$0.7m
Business Int	\$3.5m	\$2.5m	\$1.0m
Public Activities	(\$2.0m)	(\$2.2m)	\$0.2m
	<u>\$13.6m</u>	<u>\$8.2m</u>	<u>\$5.4m</u>

Managed Properties achieved a net surplus of \$13.6m year to date which is \$5.4m ahead of the phased budget.

- Commercial Property Portfolio is \$3.5m ahead of budget. Revenue is ahead of budget \$1.1m, a better than budget performance of the Auckland Council portfolio has offset the below budget revenue in the Auckland Transport (AT) and precinct properties portfolios. Expenditure is \$2.5m under budget, mainly due to a timing difference. There has also been savings of \$0.9m from some AT properties that are being utilised in roading projects and are no longer requiring management from Eke Panuku.
- Marinas are \$0.7m ahead of budget. For the first month this year revenue is slightly ahead of budget \$28k with improved occupancy at Viaduct and Silo marinas. Expenditure is \$0.6m behind budget due to timing of repairs and maintenance expenditure.
- Business Interests is \$1.0mahead of budget, mainly due to better than budget performance by Waste Disposal Systems at the Whitford landfill.
- Public activities in the Wynyard Quarter is \$0.2m ahead of budget. Costs are tracking a bit behind phased budget and so far increased security costs of \$0.5m over budget have been absorbed through savings in other areas. This has the potential to change as we move into summer.

Information paper: Health and Safety report November 2022

Document author: Paul Brown, Head of Health, Safety and Wellbeing

December 2022

Whakarāpopototanga matua | Executive summary

1. A total of eight workplace health and safety events were reported into Noggin, Eke Panuku's health and safety reporting system, during November. The events involved employees or contractors where Eke Panuku has influence and control.
2. The eight workplace events reported into Noggin included one contractor observation, three contractor near misses, two contractor incidents and one injury. The one injury occurred to an Eke Panuku employee and resulted in physio treatment.
3. There were no high-risk events, one medium risk event, six low risk events and three public events reported in November.
4. The medium risk near miss occurred when a plastic panel fell from Silo 6 in Silo Park. No injury occurred during the incident. An investigation identified opportunities to improve the scoping and definition for contractor maintenance inspections.
5. Three events were also reported that involved members of the public where Eke Panuku has very little influence and control. In addition to the three events, Māori wardens and security contractors raised 418 safety observations during November, all of which involved members of the public outside Eke Panuku's influence or control.

Matapaki | Discussion

Head of Health, Safety and Wellbeing Manager actions

6. Contractor drugs and alcohol testing.

An incident reported in last month's board paper, regarding an excavator and a spotter on a construction site, raised a question around drug and alcohol testing for contractors. In regard to the specific incident, both the operator of the excavator and the spotter were tested for drugs and alcohol immediately post-incident (both negative results). Narrative around drug and alcohol testing in the board reports would normally only be included if alcohol or drugs had been identified as a causal factor in the incident or if someone had tested positive.

Our standard contracts do not specifically mention the need to carry out drug and alcohol testing. Site Specific Safety Plans (SSSPs) are relied upon to identify drugs and alcohol as a risk factor and controls are described in the SSSP. The SSSPs describe post-incident testing, reasonable cause testing and random testing. Our main construction contractor, JFC, details these controls in every one of their SSSPs.

Health and safety key performance indicators

7. Health and safety key performance indicators (KPIs), featuring both Lead and Lag measures, are represented in table (Figure 1) and chart (Figure 2) format.

	Measure	Performance November	Critical or High Risks	Previous Month
	Safety Concerns	0	0	2
	Near Misses	3	0	1
LAG	Lost Time Injuries	0	0	0
	Medical Treatment Injuries	0	0	0
	Other Incidents	5	1	1
	Total Recordable Injury Frequency Rate	0.5	N/A	0.5
	Total Incidents	5	1	1
	Total events	8	1	4

Figure 1: Health and Safety Key Performance Indicator Table

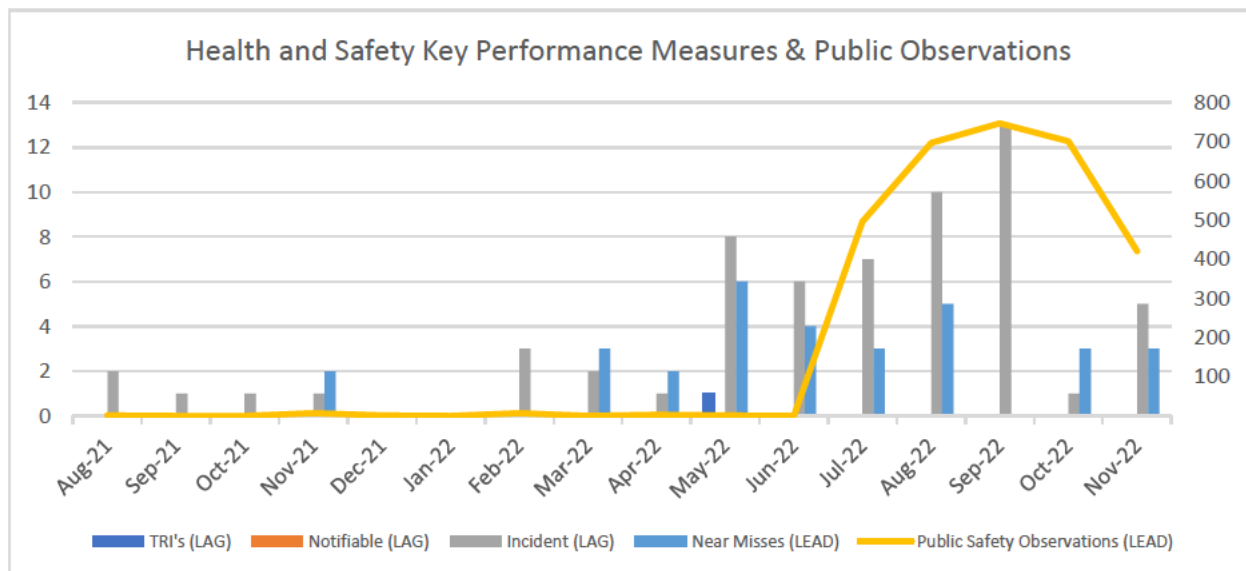


Figure 2: 12 Month Rolling H&S performance measures. TRI - Total Recordable Injuries includes lost time injuries and medical treatment injuries. Notifiable refers to incidents and injuries reportable to the health and safety regulator

8. Workplace incident themes and trends

Nine workplace safety events were reported in November. Six of the nine events involved construction contractors, which included one safety observation, three near misses, and two incidents. The one remaining incident involved a minor injury to an Eke Panuku staff member.

There were no high-risk safety events reported during November, one medium-risk safety event, seven minor-risk events and three public events.

- Medium Risk event – Property damage

- o Silo 6, Silo Park, 18 November (please see Attachment A for more details)

A lightweight plastic panel fell from Silo 6 during high wind.

Investigation findings

- After a previous near miss raised in March, additional checks were introduced. A contractor carried out the checks, however these were visual, from the ground and in weather conditions where it was not easy to identify the issues. The contractor was not provided a defined scope of works to carry out the checks.

Actions following the incident

- Exclusion zone set up around the silo until repaired.
- All panels were checked and secured using more robust and oversized fixings.
- The Facilities and Maintenance team is defining the scope and requirements for checks going forward.

- Low Risk Events

- o Construction contractor events

- A pipeline, made with asbestos, was identified on a construction site. The pipeline was intact. The asbestos was identified and removed through the contractor's asbestos procedure.
- Contractor hit a water pipe that was not in the survey.
- A temporary fence was observed to be unstable during high winds. Additional bracing was installed.
- Plastic safety caps were observed to be missing from fence posts that supported steel work. The caps were replaced.
- Contractor observed not wearing hearing protection near sand blasting operation.
- A steel cabinet was damaged when hit by a fork lift truck. The cabinet contained electrical cabling. The cabling was checked by an electrician and found to be undamaged.

- o Eke Panuku employee events

- An Eke Panuku member of staff was injured after falling back on a chair in a meeting room. The fall resulted in an injury to the back, requiring physio.

9. Public health, safety and wellbeing events (please see Attachment A)

	Measure	Performance October	Previous Month
Public Realm	Māori Warden Observations	82	164
	Security Observations	336	533
	Public Injuries	1	1
	Public Incidents or observations	2	3

Figure 3: Public realm incident and observation table. Data provided for information purposes and are not key performance indicators as Eke Panuku has very little influence or control over the outcome of these events

Two safety events were reported through Eke Panuku’s health and safety system during November that involved members of the public. Both events reported were outside Eke Panuku’s influence or control.

In addition to the four public safety events reported through Eke Panuku’s health and safety system, 697 observations were raised through the Māori and security wardens. All of the observations occurred in the public realm and were outside the direct influence or control of Eke Panuku.

The security guards patrolled the waterfront seven days per week. The Māori wardens patrolled the waterfronts on Friday and Saturday nights

The top four most common observations are highlighted below:

Security Patrol – top four issues raised			Māori Warden Patrol – top four issues raised		
Rank	Issue	No. of observations	Rank	Issue	No. of observations
1	Vehicle offence	161	1	Parking	36
2	Alcohol	72	2	Behaviour	15
3	Theft/Vandalism	35	3	Vehicle	10
4	Noise	36	4	Noise	10

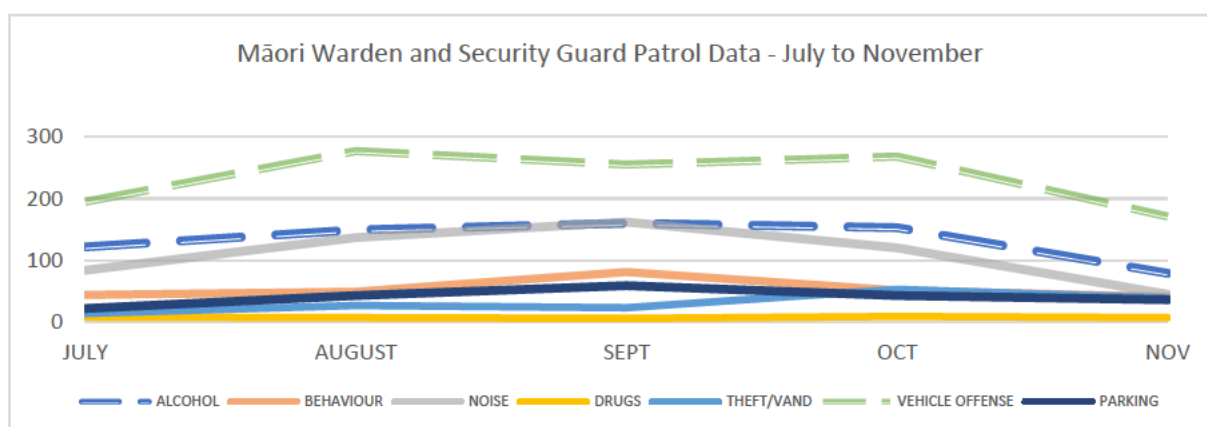
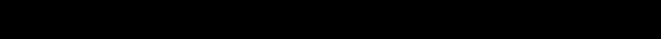


Figure 6: Combined public observation data by category

Ngā tāpirihanga | Attachments



Decision paper: Financial reporting to Auckland Council 31 December 2022

Author: Michele Harpham, Finance Manager

December 2022

Ngā tūtohunga | Recommendations

That the Eke Panuku Board:

- a. delegate the approval of the 31 December 2022 financial reporting pack to the Chief Executive and Chief Financial Officer; and
- b. approve the letter of representation to Auckland Council for signature by the Chief Executive and Chief Financial Officer.

Whakarāpopototanga matua | Executive summary

1. Auckland Council is required to release its 31 December interim financial results to the New Zealand Stock Exchange. To support the preparation of the group interim financial statements, Eke Panuku needs to provide a financial reporting pack to Auckland Council by Friday 27 January.
2. Auckland Council engages Audit New Zealand to review the group interim financial statements. In previous years Audit New Zealand has reviewed the reporting pack from Eke Panuku. However, Audit New Zealand has advised that a review for the reporting pack from Eke Panuku is not required for this period.
3. Auckland Council requires either the Eke Panuku Board or Audit and Risk Committee to sign off the reporting pack and representation letter by 12 February. As there is no Board meeting in January, and the interim financial statements are not expected to include any significant items, the Executive recommends that this is delegated to the Chief Executive and Chief Financial Officer. The template representation letter is included as Attachment A.

Ngā tāpirihanga | Attachments

Attachment A - Template representation letter to Auckland Council

Ngā kaihaina | Signatories

Carl Gosbee, Chief Financial Officer

David Rankin, Chief Executive

12 February 2023

Peter Gudsell
Group Chief Financial Officer
Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Dear Peter

Letter of representation for the half year ended 31 December 2022

This representation letter is provided in connection with the preparation of the Auckland Council Group Annual Report ('Interim Report') for the half year ended 31 December 2022.

We are aware that the primary source of information for the preparation of the Interim Report is from information provided by ourselves, either through the half year financial close process or through the collection of information (primarily through the Group Reporting Pack 'Reporting Pack').

The purpose of this letter is to provide you with the assurance that the financial and supplementary information of Eke Panuku Development Auckland provided in the Reporting Pack for the preparation of the Interim Report:

- complies with recognition and measurement requirements of generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Accounting Standards; and
- presents fairly, in all material respects, the financial position as at 31 December 2022, financial performance and cash flows of the company for the half year ended 31 December 2022.

We also confirm that:

- the financial and supplementary information provided in the Reporting Pack has not changed from the version provided on the 27 January 2023; and
- we approve the Reporting Pack for the half year ended 31 December 2022 of the company under delegation from the Board.

General responsibilities for Eke Panuku Development Auckland

We acknowledge responsibility for ensuring that:

- the resources and activities under our control have been operating effectively and efficiently;
- we have complied with our statutory obligations including laws, regulations and contractual requirements;
- we have carried out our decisions and actions with due regard to minimising waste;
- we have met Parliament's and the public's expectations of appropriate standards of behaviour in the public sector (that is, we have carried out our decisions and actions with due regard to probity); and
- any decisions or actions have been taken with due regard to financial prudence.

We also acknowledge that we have responsibility for designing, implementing, and maintaining internal control (to the extent that is reasonably practical given the size of the company to prevent and detect fraud.

Further, nothing has come to our attention to indicate that these responsibilities have not been met.

Responsibilities for the financial and supplementary information included in the Reporting Pack

We confirm that all transactions have been recorded in the accounting records and are reflected in the financial and supplementary disclosure information provided in the Reporting Pack for the company.

To the best of our knowledge and belief, having made such enquiries as we considered necessary for the purpose of appropriately informing ourselves:

- we have fulfilled our responsibilities for preparing and presenting the Reporting Pack as required by the NZX listing rules, and in particular that the information in the Reporting Pack:
 - presents fairly, in all material respects, the financial position of the company as at 31 December 2022, the financial performance and cash flows for the half year ended;
 - complies with recognition and measurement requirements of generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Accounting Standards;
- we have appropriately considered the implications of any new public benefit entity (PBE) accounting standards adopted by the Auckland Council Group;
- we believe the significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable;
- we have appropriately accounted for and disclosed related party relationships and transactions;
- all known actual or possible litigation and claims whose effects should be considered when preparing the Reporting Pack from which financial statements will be prepared have been disclosed to you and have been accounted for and disclosed in accordance with generally accepted accounting practice;
- we have adjusted or disclosed all events subsequent to the date of the Reporting Pack from which the financial statements will be prepared that require adjustment or disclosure;
- we have disclosed to you any ongoing impact of the COVID-19 pandemic on our financial results;
- we confirm that we have complied with the Auckland Council Group accounting policy in relation to configuration and customisation costs incurred in implementing Software-as-a-Service arrangements from 1 July 2021 to be consistent with the International Financial Reporting Interpretations Committee (IFRIC) decision. There is no impact to the financial statements this year;
- we confirm that we have complied with the Auckland Council Group accounting policy in relation to the change of accounting treatment for costs relating to COVID-19 Alert Level 4 lockdowns from 1 July 2021. There is no impact to the financial statements this year;

- no uncorrected misstatements have been identified, and accordingly, Appendix 1 to this representation letter has not been completed; and
- no disclosure deficiencies have been identified, and accordingly, Appendix 2 to this representation letter has not been completed.

Responsibilities to provide information

We confirm that, to the best of our knowledge and belief, having made such enquiries as we considered necessary for the purpose of appropriately informing ourselves:

- we have provided you with all information, such as records and documentation, and other matters where requested, that are relevant to preparing and presenting the financial and supplementary information included in the Reporting Pack of the company;
- we have provided our auditors with unrestricted access to persons within the organisation from whom they determined it necessary to obtain evidence to support their audit engagement;
- we confirm that there are no outstanding disagreements with our auditors;
- we have disclosed to you the results of our assessment of the risk that the Reporting Pack may be materially misstated as a result of fraud;
- we have disclosed to you all information in relation to fraud or suspected fraud that we are aware of and that affects the group and involves:
 - management;
 - employees who have significant roles in internal control; or
 - others where the fraud could have a material effect on the Reporting Pack;
- we have disclosed to you all information in relation to allegations of fraud, or suspected fraud, affecting the group's annual financial statements communicated by employees, former employees, analysts, regulators, or others;
- we have disclosed to you all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing the Auckland Council Group financial statements;
- we have disclosed to you the identity of the related parties, all of their relationships, and all of their transactions of which we are aware;
- we have disclosed to you all significant events that have occurred subsequent to the balance sheet date and through to the date of the review report that may require adjustment to, or disclosure in, the financial statements; and
- we have disclosed to you all information relevant to the use of the going concern assumption in the financial statements.

Going concern

We confirm that, to the best of our knowledge and belief, the company has adequate resources to continue operations at their current level for the foreseeable future. For this reason, management continues to adopt the going concern assumption in preparing the financial and the supplementary information provided in the Reporting Pack for the half year ended 31 December 2022. We have reached this conclusion after making enquiries and having regard to circumstances that we consider likely to affect the company during the period of one year from 12 February 2023,

and to circumstances that we know will occur after that date which could affect the validity of the going concern assumption.

We consider that the Reporting Pack adequately discloses the circumstances, and any uncertainties, surrounding the adoption of the going concern assumption by the company.

Sign-off on these representations

These representations are made at your request to support information provided from the records of the company or expressly requested for the preparation of the Auckland Council Group Annual Report.

Yours sincerely

David Rankin
Chief Executive

Carl Gosbee
Chief Financial Officer

4.2 – Downtown Car Park redevelopment

This paper has been redacted under the following LGOIMA reasoning:

- *would be likely unreasonably to prejudice the commercial position of a third party s7(2)(b)(ii);*
- *would be likely to prejudice or disadvantage the commercial position of council s7(2)(h); and*
- *would be likely to prejudice or disadvantage negotiations s7(2)(i).*

Director interests at 5 December 2022

Member	Interest	Company / Entity	Conflicts pre-identified?
Paul F. MAJUREY	Chair	Eke Panuku Development Auckland Limited	
	Director	Atkins Holm Majurey Limited	
	Director	Hāpai Commercial General Partner Limited	
	Chair	Hāpai Housing General Partner Limited	
	Chair	Hauraki Collective (12 iwi collective)	
	Tangata Whenua Representative	Hauraki Gulf Forum	
	Director	Homai General Partner Limited	
	Chair	Impact Enterprise Partnership GP Limited	
	Director	Manawa GP Limited	
	Chair	Marutūāhu Collective (5 iwi collective)	Possible
	Chair	Marutūāhu Rōpū General Partner Limited	
	Director	MO5 Properties Limited	
	Director	MRLP Group Limited	
	Chair	Ngāti Maru Limited	Possible
	Director	Pare Hauraki Asset Holdings Limited	
	Chair	Puhinui Park GP Limited	
	Chair	Te Pūia Tāpapa GP Limited	
	Chair	Tūpuna Taonga o Tāmaki Makaurau Trust Limited (Tūpuna Maunga Authority)	
	Director	Westhaven Marina Limited	
	Chair	Whenuapai Housing GP Limited	

Member	Interest	Company / Entity	Conflicts pre-identified?
--------	----------	------------------	---------------------------

David I. KENNEDY	Director	Eke Panuku Development Auckland Limited	
	Chair	Beachlands South GP Ltd	
	Member	Business Reference Group Te Arotake Future for Local Government	
	Director	Cathedral Property Limited	
	Director	Grantley Holdings Limited	
	Chair	Kaha Ake GP Ltd	
	Director	Naylor Love	
	Trustee	New Zealand Housing Foundation	Possible
	Chief Executive	Te Kaha Project Delivery Ltd	
	Director	Westhaven Marina Ltd	

John COOP	Director	Eke Panuku Development Auckland Limited	
	Managing Director and Principal	Warren and Mahoney	Possible

Jennifer KERR	Director	Eke Panuku Development Auckland Limited	
	Committee member	Audit and Risk – Police	
	Deputy Chair	Callaghan Innovation	
	Trustee	J.R. Kerr Portfolio of Shares and Bonds managed by Craig Investment Ltd	
	Trustee	J.R. Kerr Portfolio of Shares and Bonds managed by Forsyth Barr	
	Settlor, Trustee, Beneficiary	J.R. Kerr Trust	
	Board advisor	Mediaworks	
	Chair	NZTE	
	Member	Port Nicholson Trust	
	Masters Student	University of Waikato	
	Board member	Waipa Networks Ltd	
	Chair	WorkSafe New Zealand	

Member	Interest	Company / Entity	Conflicts pre-identified?
--------	----------	------------------	---------------------------

Steven EVANS	Director	Eke Panuku Development Auckland Limited	
	Member	Construction Industry Accord Residential Sector Reference Group	
	Chief Executive	Fletcher Building LTD	Yes
	Director	Homai General Partner Limited	
	Director	Okahukura GP Limited	
	Member	Steering Group Construction Industry Accord	
	Director	Tauoma FRL Limited Partnership	
	Board Member	Urban Development Institute of New Zealand	Yes

Susan HURIA	Director	Eke Panuku Development Auckland Limited	
	Director	Accessible Properties NZ Ltd	
	Chair	Leaderbrand Holdings and associated entities	
	Director	Ospri and associated entities	
	Director/Shareholder	Rawa Hohepa	
	Director	Royal College of General Practitioners	
	Director/Shareholder	Susan Huria Associates (2003) Limited	

Kenina COURT	Director	Eke Panuku Development Auckland Limited	
	Shareholder	Arrakis Limited	
	Director	Banking Ombudsman Scheme Limited	
	Director	BDE Bonus Limited	
	Director	Business in the Community (2013) Limited	
	Director	Business Mentors New Zealand Limited	
	Director	CP Resettlement Trustees Limited	
	Director	Eight Peaks Holdings Limited	
	Director	Fale Developments Limited	
	Director	Fortitudine Trustees Limited	
	Director	Greer Family Trustees Limited	
	Director	Holly Corp Trustees Limited	
	Director	Huma Holdings Limited	

Member	Interest	Company / Entity	Conflicts pre-identified?
Kenina COURT (cont'd)	Director	IBS.	
	Shareholder	IBS Corporation Limited	
	Director	It's Happened Trustees Limited	
	Director	KW Westgate Limited	
	Director	Lovelock Trustees Limited	
	Director	Lujato Trustees Limited	
	Director	M&G Trustees Limited	
	Director	Market Kitchen Limited	
	Director	Nathan Whanau Trustees Limited	
	Director	New Gipsy Limited	
	Director	NTA Holdings Limited	
	Director	Oceania Career Academy Limited	
	Director	Pathfinder Management Partner Limited	
	Director	Pathfinder Trustees Limited	
	Director	Pathsol Limited	
	Director	PGFT Trustees Limited	
	Director	Platinum Securities Limited	
	Director	PSL Freedom Limited	
	Director	Rice Family Trustees Limited	
	Director	Silvereye Investments Limited	
	Director	Slice Limited	
	Director	Stak Trustees Limited	
	Director	Twinlion Trustees Limited	
Director	Up Skill Teams Limited		

Director meeting attendance register – 2022 / 2023

	2022						2023					TOTAL
	27 Jul	24 Aug	28 Sep	26 Oct	23 Nov	16 Dec	22 Feb	22 Mar	26 Apr	24 May	28 Jun	
P. Majurey	✓	C A N C E L L E D	✓	✓	✘							
D. Kennedy	✓		✘	✓	✓							
J. Coop	✓		✓	✓	✓							
K. Court	✓		✓	✓	✓							
S. Evans	✘		✓	✘	✓							
S. Huria	✓		✓	✓	✓							
J. Kerr	✓		✓	✓	✓							

LOA – Leave of absence

Minutes of the meeting of directors of Eke Panuku Development Auckland Limited, held in partly **confidential** session, in person at 188 Quay Street, Auckland and online via Zoom, on Wednesday 23 November 2022 commencing at 3.15pm.

Attending		<p>Board: David Kennedy – Acting Chair (via Zoom), John Coop, Kenina Court, Steve Evans, Susan Huria, Jennifer Kerr</p> <p>Executive: David Rankin – Chief Executive, Gyles Bendall – GM Design & Place, Alaina Cockerton – Head of People & Culture, Angelika Cutler – GM Community & Stakeholder Relations, Carl Gosbee – Chief Financial Officer, Brenna Waghorn – GM Strategy & Planning, Marian Webb – GM Assets & Delivery, Ian Wheeler – Chief Operating Officer, Allan Young – GM Development, Kathy Crewther – Governance Manager</p>
Opening remarks		The meeting opened at 3.15pm.
1.1 Procedural motion to exclude the public	1 11/22	Pursuant to clause 12.3 of the Eke Panuku Constitution, the public be excluded from confidential papers or parts thereof, so that commercially sensitive issues can be discussed.
1.2 Apologies	2 11/22	Apologies were received from Paul Majurey.
2. Chief Executive's report	3 11/22	<p>David Rankin, Chief Executive, introduced the report noting the following:</p> <ul style="list-style-type: none"> Staff engagement strategy <p>[REDACTED]</p> <p>The Eke Panuku Board received the report.</p>
3. Health and safety update	4 11/22	<p>Carl Gosbee, Chief Financial Officer, introduced the report. The Board discussed the following matters:</p> <ul style="list-style-type: none"> The importance of contractors including incident-based and/or random drug and alcohol testing in their site-specific safety plans. Health, Safety and Wellbeing Manager to clarify current practice to Board. <p>Following the conclusion of discussions, the Eke Panuku Board received the report.</p>
4.1 Annual Report for the year ended 30 June 2022	5 11/22	<p>Carl Gosbee, Chief Financial Officer, introduced the report noting that a draft has been seen by the Board previously.</p> <p>The Eke Panuku Board:</p> <ol style="list-style-type: none"> approved the Annual Report for the year ended 30 June 2022, subject to any significant changes required by Audit New Zealand being discussed with and approved by the Chair and the Chair of the Audit and Risk Committee. approved the letter of representation to Audit New Zealand for the year ended 30 June 2022, subject to any significant changes required by Audit New Zealand being discussed with and approved by the Chair and the Chair of the Audit and Risk Committee.

<p>4.2 Strategic Investment Opportunity Panmure</p>	<p>6 11/22</p>	<p>Allan Young, GM Development, introduced the report. Michael Jefferies, Development Manager, and Ruth Stokes, Project Manager, joined the meeting for this item.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Following the conclusion of discussions, the Eke Panuku Board:</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
--	----------------	--

		<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>d. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>g. [REDACTED]</p> <p>[REDACTED]</p>
--	--	---

		[REDACTED]
5.1 Director interests	7 11/22	The Eke Panuku Board reviewed and received the Registers of Directors' Interests.
5.2 Director meeting attendance	8 11/22	The Eke Panuku Board noted the Directors' meeting attendance.
5.3 Minutes of the 26 October 2022 board meeting	9 11/22	The Eke Panuku Board reviewed and confirmed the Minutes of the Board Meeting 26 October 2022, with confidential information included, as a true and accurate record of the meeting.
5.4 Board action list	10 11/22	The Eke Panuku Board noted the Board action list.
5.5 Board forward work programme	11 11/22	The Eke Panuku Board noted the Board forward work programme.
6. General Business	12 11/22	There was no general business.
Close of Board meeting	13 11/22	The meeting closed with a karakia at 4pm.

Read and confirmed

_____ **Acting Chair**

_____ **Date**