

Board Report

Date

Wednesday,
22 September 2021

Venue

Online via Zoom



Board agenda

Where: Online via Zoom

When: Wednesday, 22 September 2021 | 10.00am – 11.30am

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

Liaison councillor: Cr Efeso Collins

<p>Local Government Official Information and Meetings Act 1987 (LGOIMA) statement</p> <p><i>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:</i></p> <ul style="list-style-type: none"> <i>would be likely unreasonably to prejudice the commercial position of a third party s7(2)(b)(ii);</i> <i>to maintain the effective conduct of public affairs through the free and frank expression of opinions s7(2)(f)(i);</i> <i>would be likely to prejudice or disadvantage the commercial position of council s7(2)(h); and</i> <i>would be likely to prejudice or disadvantage negotiations s7(2)(i).</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 Panuku Constitution, the public be excluded from the following proceedings of this meeting, so that commercially sensitive issues can be discussed in confidential session.</p> <p>1.2 Apologies</p>
2.	<p>Decision papers</p> <p>2.1 Waterfront Placemaking and Development Issues</p>
3.	<p>Governance matters</p> <p>3.1 Minutes of 25 August 2021 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

Shaping spaces for Aucklanders to love

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.

There were no apologies at the time of publishing.

2.1 Waterfront Placemaking and Development Issues

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);*
- *would be likely to prejudice or disadvantage negotiations s7(2)(i).*

		Following the conclusion of discussions, the Eke Panuku Board received the report.
3. Health and safety	4 08/21	<p>Blair McMichael, Health & Safety Manager, joined the meeting and introduced the report. The board discussed the following matters:</p> <ul style="list-style-type: none"> • There is ongoing review work regarding the Seismic Plan and the Asbestos Plan. A report covering both plans will come to the Board in October. • PCBU relationships - a request that examples be brought to a series of phased Board meetings of a PCBU relationship, to cover documentation, engagement process, monitoring, how incidents are dealt with etc. This will give the Board assurance that the framework is working at a practical level. • COVID-19 Vaccinations - The Council group's current stance is to strongly encourage staff to get vaccinated but there is no enforcement, nor a register of who is and isn't vaccinated. A high level of voluntary compliance is expected. Legal aspects need to be considered around any proposed enforcement. Significant joined up work is needed to develop a go forward position. • Suggestion that employment agreements address potential impact of lockdowns in regard to review of start dates, onboarding, induction etc. <p>Following the conclusion of discussions, the Eke Panuku Board received the report.</p>
4.1 Westhaven Pier replacement (J, G & H)	5 08/21	<p>Marian Webb, GM Assets & Delivery, joined the meeting for this item. The board discussed the following matters:</p> <ul style="list-style-type: none"> ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] <p>Following the conclusion of discussions, the Eke Panuku Board:</p> <ul style="list-style-type: none"> ■ [REDACTED] ■ [REDACTED]
4.2 Downtown Carpark redevelopment	6 08/21	<p>Allan Young, GM Development, joined the meeting for this item. John Coop and Richard Leggatt left the meeting for this item. The board discussed the following matters:</p>

		<ul style="list-style-type: none"> • Best commercial options bearing in mind long-term carparking rights on the site and potentially high compensation costs. ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] • Add “subject to COVID-19 restrictions” into the resolution. <p>Following the conclusion of discussions, the Eke Panuku Board:</p> <ol style="list-style-type: none"> 1. Approved the following go to market strategy for the Expression of Interest (EOI) phase of the Downtown carpark redevelopment, noting timing subject to COVID-19 restrictions: <ul style="list-style-type: none"> ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] 2. Noted that the Executive will seek a decision from the Board in November 2021 on the EOI outcome and the Request for Development Proposal (RfDP) strategy, including: <ol style="list-style-type: none"> a. EOI responses, evaluation results and the preferred parties to proceed to RfDP. b. Preferred bus facility option, feasibility, and traffic network implication. c. Essential and desired outcomes to implement the strategic outcomes. ■ [REDACTED] ■ [REDACTED] f. Joint decision-making role of Auckland Transport (AT) Board on transport outcomes and related decisions.
<p>4.3 10 Putney Way, Manukau - go to market</p>	<p>7 08/21</p>	<p>Allan Young, GM Development, introduced the report. Ian Wheeler and Richard Davidson joined for this item. The board discussed the following matters:</p> <ul style="list-style-type: none"> ■ [REDACTED] ■ [REDACTED]

		<p>[REDACTED]</p>
<p>4.4 40 Anzac Street and 30-34 Hurstmere Road, Takapuna - Development Agreement</p>	<p>8 08/21</p>	<p>Allan Young, GM Development, introduced the report. The board discussed the following matters:</p> <ul style="list-style-type: none"> ■ [REDACTED] ■ [REDACTED] <p>Following the conclusion of discussions, the Eke Panuku Board:</p> <ul style="list-style-type: none"> ■ [REDACTED] <ul style="list-style-type: none"> ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] ■ [REDACTED] ■ [REDACTED]
<p>4.5 16 Fencible Drive and 34 Moore Street, Howick - go to market strategy with Mana Whenua</p>	<p>9 08/21</p>	<p>Marian Webb, GM Assets & Delivery, introduced the report. The board discussed the following matters:</p> <ul style="list-style-type: none"> ■ [REDACTED] ■ [REDACTED] <ul style="list-style-type: none"> • The condition of the properties and associated risks have been taken into consideration when determining valuation and percentages which were done by Colliers.

		<table border="1"> <thead> <tr> <th colspan="3">Previous Board</th> </tr> <tr> <th>Date and meeting</th> <th>Document</th> <th>Decision / Outcome</th> </tr> </thead> <tbody> <tr> <td>May 2021 Eke Panuku Board Meeting</td> <td>Go-to-market strategy 16 Fencible Drive, Howick (Open Market)</td> <td>Approved</td> </tr> <tr> <td>April 2021 Eke Panuku Board Meeting</td> <td>Go-to-market strategy 34 Moore Street, Howick (Open Market)</td> <td>Approved</td> </tr> </tbody> </table> <p>Following the conclusion of discussions, the Eke Panuku Board:</p> <ol style="list-style-type: none"> 1. Approved: <ol style="list-style-type: none"> i. the sale of 16 Fencible Drive, Howick and 34 Moore Street, Howick through a contestable site sale process, limited to Mana Whenua parties under section 4.2 of Eke Panuku's Selecting Development Partners Policy; and if unsuccessful proceed to an open market sale process. • Delegated: <ol style="list-style-type: none"> i. authority to the Chief Executive to select a preferred party, complete the negotiations and execute the required documentation to divest the land based on the same key terms previously approved by the Board as follows: <ul style="list-style-type: none"> ■ [REDACTED] ■ [REDACTED] 	Previous Board			Date and meeting	Document	Decision / Outcome	May 2021 Eke Panuku Board Meeting	Go-to-market strategy 16 Fencible Drive, Howick (Open Market)	Approved	April 2021 Eke Panuku Board Meeting	Go-to-market strategy 34 Moore Street, Howick (Open Market)	Approved
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4.6 Audit and Risk Committee Terms of Reference	10 08/21	<p>Carl Gosbee, Chief Financial Officer, introduced the report.</p> <p>The Eke Panuku Board:</p> <ol style="list-style-type: none"> a. Adopted the revised Terms of Reference for the Audit and Risk Committee, and delegate to the committee the responsibilities, duties and powers set out in the Terms of Reference. 												
5.1 Corporate Business Plan target results	11 08/21	<p>Brenna Waghorn, GM Strategy & Planning, introduced the report. The board discussed the following matters:</p> <ul style="list-style-type: none"> • Commendation to the team on the plan (budget and performance). • Milestones are currently measured from the beginning of the year as a baseline. Ongoing efforts are being made to improve project planning and have clearer milestones for each project in the future. • The balance between aspirational targets and being realistic. • Request to review investment/property portfolio outside of development as part of the Board workplan so Board members have an understanding. 												

6.4 Board action list	19 08/21	The Eke Panuku Board noted the board action list.
6.5 Board forward work programme	20 08/21	The Eke Panuku Board noted the board forward work programme.
6.6 Audit & Risk Committee meeting	21 08/21	<p>Carl Gosbee provided a verbal update to the Eke Panuku Board from the Audit and Risk Committee on Monday 16 August 2021.</p> <ul style="list-style-type: none"> • The Committee reviewed the Health & Safety internal audit. • The Committee reviewed the Risk Register and terms of reference. It was noted that skill/staff shortages were not reflected adequately in the Risk Register. • The Committee reviewed a comprehensive paper on fraud risk assessments. • The Committee Chair, Kenina Court, had met with the Chair of the Council Audit & Risk Committee. Some issues and concerns from the chair had been raised which will be followed up by Kenina and addressed with management.
7.1 General Business - Intern Programme	22 08/21	The Chair provided a verbal update on the Intern Programme which is run by Council. Susan Huria has offered to be the Eke Panuku point of contact for the Programme.
Close of board meeting	22 08/21	The meeting closed with a Karakia at 1:00 pm.

Read and confirmed

----- **Chair**

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