

I hereby give notice that an ordinary meeting of the CCO Direction and Oversight Committee will be held on:

Date: Thursday, 11 May 2023
Time: 10.00am
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

**Komiti mō te Whakahaere Tikanga me te Aro ki
te Pae Tawhiti mō ngā Whakahaere ka
Whakahaerehia e te Kaunihera /**

**Council Controlled Organisation Direction and
Oversight Committee**

OPEN AGENDA

MEMBERSHIP

Chairperson	Cr Wayne Walker	
Deputy Chairperson	Cr Shane Henderson	
Members	Cr Josephine Bartley	Cr Richard Hills
	IMSB Member James Brown	Cr Daniel Newman, JP
	Cr Angela Dalton	Cr Ken Turner
	Cr Chris Darby	Cr John Watson
	IMSB Member Hon Tau Henare	Cr Maurice Williamson
Ex-officio	Mayor Wayne Brown	
	Deputy Mayor Desley Simpson, JP	

(Quorum 6 members)

Duncan Glasgow
Kaitohutohu Mana Whakahaere Matua /
Senior Governance Advisor

8 May 2023

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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

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Note: Items 10, C1 and C2 were originally on the agenda of the 9 March 2023 Council Controlled Organisation Direction and Oversight Committee meeting.

1 Ngā Tamōtanga | Apologies

2 Te Whakapuaki i te Whai Pānga | Declaration of Interest

3 Te Whakaū i ngā Āmiki | Confirmation of Minutes

Click the meeting date below to access the minutes.

That the Council Controlled Organisation Direction and Oversight Committee:

- a) confirm the ordinary minutes of its meeting, held on Thursday, [9 March 2023](#), including the confidential section, as a true and correct record.

4 Ngā Petihana | Petitions

5 Ngā Kōrero a te Marea | Public Input

6 Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input

7 Ngā Pakihi Autaia | Extraordinary Business

Approval of shareholder comments on draft CCO Statements of Intent 2023-2026

File No.: CP2023/04509

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Te take mō te pūrongo

Purpose of the report

1. To whakaae / approve shareholder comments on the draft Statements of Intent 2023-2026 for the substantive council-controlled organisations (CCOs), excluding Auckland Transport, and three non-substantive CCOs; Contemporary Art Foundation, Community Education Trust Auckland and Manukau Beautification Charitable Trust.

Whakarāpopototanga matua

Executive summary

2. The Statement of Intent (SOI) is an annual requirement of CCOs in the Local Government Act 2002.
3. It is one of several tools which provide accountability by CCOs to council and provides an opportunity for the council to influence each organisation's direction. The SOIs set out the objectives and activities of each CCO for the next three years, but as an annual document, it has a focus on the first of the three years.
4. The SOI process is a mix of legislative prescription and practices which have been adopted by council over time. Due to the timing of the October 2022 local government elections, it was necessary for the Mayor and his team to immediately commence work on draft 2023/24 letters of expectation to substantive CCOs.
5. The proposed content of the draft letters of expectation were confirmed by decisions of the Governing Body on 15 December 2022 ([GB/2022/137](#)). The final letters were issued on 21 December 2022. Draft 2023-2026 SOIs were received by 1 April 2023, in accordance with prescribed timeframes. The draft SOIs (and cover letters where applicable) are provided at Attachments A-H of this report.
6. Council staff across various departments and the Mayoral Office have reviewed the draft SOIs, with additional input sought from Independent Māori Statutory Board staff. This feedback has been collated and synthesised into the proposed shareholder comments recommended for approval in this report. The high-level themes and points of proposed shareholder feedback on draft SOIs were also workshopped with this Committee on 19 April 2023.
7. Shareholder comments are focused on alignment with statutory requirements, annual letters of expectation, group strategy and policy and the draft 2023/24 annual budget. The intention is not (generally speaking) to provide detailed direction on work programmes.
8. Council staff have also reviewed draft SOIs from three non-substantive CCOs and recommend that the Manager, CCO Governance and External Partnerships be delegated the authority to finalise the shareholder comments on the draft SOIs for Contemporary Art Foundation, Manukau Beautification Charitable Trust and Community Education Trust (COMET) Auckland.
9. Agreed shareholder comments will be provided to CCOs in writing following agreement by this committee. Staff will also work with colleagues at the CCOs to clarify any additional matters of detail or formatting. Once received, CCO Boards must consider shareholder comments before 1 June 2023 and provide council with final SOIs by 31 July 2023.

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10. Key themes of proposed shareholder comments for all substantive CCOs are set out in the box below.

General shareholder comments (proposed for all substantive CCOs)	
<i>Financial and non-financial performance</i>	<ul style="list-style-type: none"> Final SOIs should reflect the council’s final decisions on the 2023/24 annual budget and financial statements should be fully populated consistent with these decisions and agreed with council’s Financial Planning staff. Final SOIs should include a clear view of any impacts on activities from budget reductions. Final SOIs should ensure that all performance measure targets are fully populated and that measures and targets reflect those in the Long-term Plan, with agreed variances being clearly identified. Activity based financial information should be provided in the financial statements of final SOIs and reported quarterly.
<i>Independent Māori Statutory Board</i>	<ul style="list-style-type: none"> Final SOIs should outline the CCOs’ relationships with the Independent Māori Statutory Board and refer to the IMSB’s Māori Plan or Schedule of Issues of Significance.
<i>Response to letters of expectation</i>	<ul style="list-style-type: none"> More specifics should be provided in final SOIs on projects requested in letters of expectation, including milestones and timeframes.

11. The key themes of feedback specific to individual CCOs are in the box below.

Key feedback specific to individual CCOs	
<i>Tātaki Auckland Unlimited</i>	<ul style="list-style-type: none"> The final SOI should include more information on the delivery of the operating savings required through the final 2023/24 annual budget and have this clearly reflected in the work programme and final financial statements. The final SOI should include performance measures relating to capital expenditure delivery and condition of critical assets.
<i>Eke Panuku</i>	<ul style="list-style-type: none"> The draft SOI needs to be revised to be more concise and to describe Eke Panuku activities and deliverables clearly.
<i>Watercare</i>	<ul style="list-style-type: none"> Request to follow the SOI template that was developed jointly with CCOs. This includes a work programme in which Watercare can set out clear deliverables and dates for implementation of key work areas, including those that respond to the letter of expectation and deliver on council strategy.

Ngā tūtohunga Recommendations

That the Council Controlled Organisation Direction and Oversight Committee:

- a) whakaae / approve the proposed shareholder comments on the draft statements of intent 2023–2026 for the three substantive and three non-substantive council-controlled organisations contained in this report, with any deletions or additions based on feedback at the meeting
- b) whakaae / agree that the Mayor and Chair of the Council Controlled Organisation Direction and Oversight Committee will prepare letters to be sent to Tātaki Auckland Unlimited, Eke Panuku and Watercare containing the shareholder comments
- c) tautapa / delegate to the Manager, CCO Governance and External Partnerships, the authority to finalise the shareholder comments on the draft statements of intent for Manukau Beautification Charitable Trust, Contemporary Art Foundation and Community Education Trust Auckland
- d) tuhi ā-taipitopito / note that staff will record any feedback at the meeting that relates to performance or operational issues, or issues of detail or wording, and ensure those are raised with the relevant council-controlled organisations.

Horopaki Context

12. The purpose of a SOI is:
 - i) to provide an opportunity for shareholders to influence the direction of the CCO
 - ii) for CCOs to outline intentions and activities for the forthcoming year
 - iii) to provide a basis for the accountability of CCO directors to the shareholders.
13. The requirements and timeframes for SOIs are set out in Schedule 8 of the Local Government Act 2002 (LGA). SOIs are one element of council's overall strategic, planning, reporting and accountability documentation. Other documents include the statement of expectations, CCO accountability policy, long-term plan and annual report.
14. The Governing Body in December 2022 agreed to approve a one-month extension of statutory deadlines for all CCO statements of intent for 2023-2026 ([GB/2022/137](#)), as provided for in the LGA Schedule 8, section 4.
15. Following receipt of the draft SOIs by 1 April 2023, staff from the CCO Governance department and other relevant divisions reviewed the draft SOIs, along with staff from the Independent Māori Statutory Board. This review has focused on considering statutory requirements, the letters of expectation, group strategy and policy and the draft 2023/24 annual budget. The high-level themes and points of proposed shareholder feedback on draft SOIs were also workshopped with this Committee on 19 April 2023.
16. Final shareholder comments will be sent to the chairs of each CCO once approved. Each CCO is required to consider the shareholder comments at a public board meeting before 1 June 2023, before submitting a final SOI to the council by 31 July 2023.
17. Any matters relating to performance or operational issues will be communicated separately to each CCO, along with matters of specific detail and formatting. Performance issues can be further followed up with the relevant chair and chief executive through their attendance at quarterly reporting meetings of the CCO Direction and Oversight Committee.

Tātaritanga me ngā tohutohu Analysis and advice

Comments for all substantive CCOs

Alignment to letter of expectation

18. The Mayor's 2023/24 letters of expectation contained directives common to all CCOs and those specific to individual CCOs. The common expectations and CCOs' response to these are summarised below.

Expectations	Eke Panuku	Tātaki	Watercare
Consistent with Mayoral proposal and budget savings	✓	x	N/A
Concise SOIs with meaningful performance measures	x	✓	✓
Be more transparent and accountable	✓	✓	✓
Implement shared services	✓	✓	N/A

19. In general the CCOs' response to the common expectations was good, with all (where applicable) reflecting a commitment to implementing shared services, which also translated to their work programmes for the coming year. The CCOs also reflected on their commitments and processes to operate in a transparent manner with the council and the public. Council wants to receive more meaningful information about the activities of each CCO and expects to see activity based financial information provided in the final SOIs and reported on quarterly.
20. Draft SOIs were consistent with the Mayoral proposal and reflected identified budget savings. The exceptions to this were Tātaki, where their draft SOI is based on a \$27.5m operating savings budget scenario, and the draft 2023/24 annual budget has consulted on \$44m of operating savings. Officers note that the financial information for final SOIs will be finalised through the annual budget process, decisions are being made 8 June 2023.
21. Where CCOs have been requested to make savings, the draft SOIs do not clearly explain the impacts on CCO activities of the Mayoral proposal requested cost reductions. CCOs are requested to address this in their final SOIs. Where changes have made to performance measures we expect that targets will be set, and that measures and targets align with the long-term plan, with justification for any variances.
22. Some draft SOIs reflected changes to performance measures and/or targets, or targets were missing. This need to be populated in the final SOIs, with measures and targets reflecting those in the long-term plan, with agreed variances being clearly identified.
23. CCOs have responded positively to the request for specific projects or areas of work that were set out in the letters of expectations but this is generally at a high level and we recommend that more detail is provided on associated activity milestones and timeframes in the final SOIs.
24. Council needs to ensure that it has the resources to lead or partner with CCOs to progress projects in the letters of expectation.
25. There was a lack of consistency in how climate change response, emissions reduction and the impacts of growth on infrastructure are addressed in the draft SOIs. These are areas identified for further work through the upcoming long-term plan process.

26. The proposed shareholder comments for all substantive CCOs are set out in the box below.

General shareholder comments (proposed for all substantive CCOs)
<p><i>Financial and non-financial performance</i></p> <ul style="list-style-type: none">• Final SOIs should reflect the council’s final decisions on the 2023/24 annual budget and financial statements should be fully populated consistent with these decisions and agreed with council’s Financial Planning staff.• Final SOIs should include a clear view of any impacts on activities from budget reductions.• Final SOIs should ensure that all performance measure targets are fully populated and that measures and targets reflect those in the long-term plan, with agreed variances being clearly identified.• Activity based financial information should be provided in the financial statements of final SOIs and reported quarterly.
<p><i>Independent Māori Statutory Board</i></p> <ul style="list-style-type: none">• Final SOIs should outline the CCOs’ relationships with the Independent Māori Statutory Board and refer to the IMSB’s Māori Plan or Schedule of Issues of Significance.
<p><i>Response to letters of expectations</i></p> <ul style="list-style-type: none">• More specifics should be provided in final SOIs on projects requested in letters of expectation, including milestones and timeframes.

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CCO specific comments

Tātaki Auckland Unlimited

Alignment to letter of expectation

27. The letter of expectation focused on four key areas specific to Tātaki. The response to each is outlined below.
- Deliver a plan for a single operator for Auckland’s four main stadiums by 1 July 2023 - this has been captured in the draft SOI in a number of places. The draft SOI refers to the preparation of a term sheet and separate vision document by the Industry Advisory Group (IAG) based on the proposed model that all parties reached in-principle agreement on and that council will be updated on the proposal before 30 June 2023.
 - Focus on key events and facilities that are highly valued by Aucklanders rather than branding and economic development - this is addressed in the draft SOI in a several ways including the new strategic framework which includes Facilities and Events and Experiences as key pillars (see below). The draft SOI does not include content or activity relating to branding and some economic development activity has been scaled back or removed.
 - Make progress on integrating Auckland’s cultural institutions - this is not well covered in the draft SOI. It refers briefly to working collaboratively with the other cultural institutions such as MOTAT and council on options for future integration, within respective legislation and statutory frameworks. There are no clear milestones or actions outlined in the work programme for this. It is noted that if fundamental integration options are desired, this is likely to require legislative change, given the statutory frameworks that govern Auckland’s cultural institutions.

- Significantly reduce Tātaki's reliance on Council rates-based funding – this is covered in part in the draft SOI. Tātaki have been requested through the 2023/24 draft annual budget process to provide \$44m in operating savings. Tātaki outlines a series of high-level bullet points on how it intends to achieve \$27.5m in savings but these are not well reflected in the work programme and/or financial statements. It is challenging to understand which services or activities are proposed to be scaled back or stopped.

Proposed feedback to Tātaki Auckland Unlimited

28. We recommend that in the final SOI Tātaki Auckland Unlimited:

- include actions and milestones on progressing work to integrate Auckland's cultural institution, including those managed by Tātaki plus the independent Auckland War Memorial Museum, MOTAT and the Stardome Observatory.
- include more information on the delivery of the operating savings required through the final 2023/24 annual budget and have this clearly reflected in the work programme and final financial statements. For transparency, Tātaki should make clear the changes/work now scaled back or stopped in the final SOI as a result of final 2023/2024 annual budget decisions.

Other matters to be addressed

29. In the draft SOI Tātaki have introduced a new strategic framework with four strategic outcomes (previously five). The Tātaki vision and purpose remains unchanged. The strategic outcomes are:

- Experiences and Events – engaging experiences and events drive and enhance Tāmaki Makaurau's unique narrative, vibrancy and prosperity
- Facilities – Tāmaki Makaurau's venues and collections are cared for, utilized and enriched for the benefit of current and future generations
- Investment and Innovation – Tāmaki Makaurau's distinct economic advantages are leverage to create prosperity for current and future generations
- Social Enterprise – Tātaki is a responsive and integrated organisation bound by strong values and a focus on social good outcomes aligned with our charitable status

30. The statement supporting the social enterprise outcome is “we build social cohesion, provide lifelong learning opportunities, inspire our young people and connect Auckland's culture with the global community while generating a sustainable surplus to reinvest in social good outcomes.” This statement is unclear and the bullet pointed activities listed under this outcome appear to be more focused on organisational efficiency and value for money and are not clearly linked to social enterprise.

31. The draft SOI refers to:

- working with Eke Panuku as the lead agency for the implementation of the City Centre Masterplan/Action Plan to advance work on the Aotea Creative Quarter
- continuing to work with MOTAT and key stakeholders on a shared vision for the Western Springs precinct.

32. The specific role of Tātaki, its actions and associated milestones in the above areas is unclear. Associated budget or funding implications (to the extent there are any) should be outlined.

33. As noted earlier, Tātaki has set out proposed operational metrics for assessing performance of its facilities (events are to be added). Tātaki notes these will not form part of its Annual Report and that it will report on these on a per organisation basis as required. More clarity on the reporting frequency is needed. Council as shareholder will expect these to be reported through the SOI quarterly reporting process but notes they do not form part of the formal SOI performance measure set.

34. The draft SOI notes that Tātaki will continue to deliver climate mitigation and resilience innovation through Climate Connect Aotearoa. However it is unclear what activities are being delivered through Climate Connect Aotearoa and how these actions support council plans and strategies.

Proposed feedback to Tātaki Auckland Unlimited

35. We recommend that in the final SOI Tātaki Auckland Unlimited:
- revisit the social enterprise outcome to make the objectives and activities of this outcome clearer
 - outline the role of Tātaki, specific actions and associated milestones for its work on the Aotea Creative Quarter and the Western Springs precinct.
 - make clear that the operational metrics for facilities and events contained in the SOI will be reported on quarterly through the regular SOI process, noting these indicators will not form part of the formal SOI performance measure set.
 - include more information on the activities of Climate Connect Aotearoa and how these support council plans and strategies.

Performance measures

36. Tātaki's performance indicator set remains largely the same (totaling 11 measures), however some targets are incomplete or missing. These relate to:
- the 'number of businesses and number of Māori businesses that have been through a Tātaki programme or benefitted from a Tātaki intervention' (both LTP measures) – three years of targets missing
 - attributable value of private sector investment secured during the year – three years of targets missing
 - four other measures require targets to be added for the 2025/26 year
37. Tātaki have proposed one additional measure on 'number of school children participating in experiences and events across Auckland Live, Zoo, Art Gallery, Maritime Museum and Stadiums', which is supported by staff. Baseline and three-years of targets for this measure will be set through the 2024/25 SOI.
38. Tātaki have an existing performance measure on 'percentage of operating expenses funded through non-rates revenue'. Given the budget savings requested from Tātaki, the targets for 2023/24 will need to increase, and increase year-on-year.
39. As requested through the letter of expectation, Tātaki have included information on the purpose of each of its facilities, how it evaluates the performance of each facility and the targeted performance of each facility. Tātaki have also included budget information requested for each facility, which is broken down into operating revenue, gross margin, operating expenditure, net cost of service and capital budget. This information was also sought for events and should be included in the final SOI, along with targets for both facilities and events (targets are currently to be confirmed).
40. Tātaki do not presently have any performance measures around capital expenditure delivery and other substantive CCOs do. Tātaki does report actuals versus budget for capital expenditure through the SOI quarterly reporting process but this lacks detail on what is being delivered for the capital expenditure budget.
41. Tātaki also does not have any performance measures relating to the condition of its assets. The value of the Tātaki Trust assets at 30 June 2022 was \$1,875 million, based on the year-end accounts (non-current assets only). Given the size of this asset base it is considered appropriate for an asset condition measure to be introduced.

Proposed feedback to Tātaki Auckland Unlimited

42. We recommend that in the final SOI Tātaki Auckland Unlimited:
- ensure targets across the three financial years are provided for all measures and any variances to targets for LTP and non-LTP measures are agreed with council staff
 - increase the targets for the 'percentage of operating expenses funded through non-rates revenue' measure, as agreed with Financial Planning staff and reflecting final 2023/24 annual budget decisions
 - extend the information already provided in the draft SOI on budget and performance metrics for its facilities to include the same for events. Targets for both facilities and events metrics also need to be completed.
 - include a performance measure in the current measure set around capex delivery. This should reflect the number of projects completed on time and budget for the total capex spend (not just the percentage delivered).
 - consider the introduction of critical asset condition performance measure to the performance measure set.

Eke Panuku

Overall comments

43. The Eke Panuku draft SOI needs to be amended to be shorter and to clearly describe Eke Panuku activities and deliverables. In particular, the section 'nature and scope of activities' needs to be reviewed. This section should focus on providing an overview of their two core functions – urban regeneration and property and marina management.
44. The draft SOI is specific about the contribution that Eke Panuku makes to key council strategies, including the Auckland Plan, Kia Ora Tāmaki Makaurau and Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan.
45. Eke Panuku will replace their Mana Whenua Outcomes Framework with an Achieving Māori Outcomes plan from 1 July 2023, which will align with Kia Ora Tāmaki Makaurau. Eke Panuku describe their work in this area, which should also reference the potential to partner with matāwaka entities on development projects and strengthening relationships with matāwaka partners.
46. The ongoing commitment of Eke Panuku to the implementation of Te Tāruke-ā-Tāwhiri is noted. Council will continue to work with Eke Panuku to ensure delivery against the outcomes. The importance of climate resilient urban design has been proven in the recent flooding events.

Proposed feedback to Eke Panuku

47. We recommend that in the final SOI Eke Panuku:
- Revise the document to make it more concise, with a clearer explanation of their core functions, activities and deliverables.
 - Acknowledge matāwaka relationships and potential partnerships in the section on 'Achieving Māori Outcomes plan and Kia Ora Tamaki Makaurau'.

Alignment to the letter of expectation

48. Eke Panuku have committed to delivering all the pieces of work requested in the letter of expectation:
- delivering priority urban regeneration projects to ensure tangible public benefits and local ownership of the projects – this is outlined in ‘Part 2 – Statement of performance expectations’. It includes an outline of the programmes, projects and quantifiable deliverables, but needs to be more succinct. With the reduction in funding, some Eke Panuku projects and programmes have been reduced, slowed or deferred. More information is needed on what the impacts of these reductions will be for the scope, scale and speed of the urban regeneration programmes.
 - Plans for port land – Eke Panuku is scoping the port concept plan and staging programme for the consolidation of port activity, to be completed by December 2023. Eke Panuku advise that they may need to discuss the funding for this work with council, once scoping is completed.
 - Management of non-service properties – Eke Panuku will endeavor to deliver an improved commercial return on the portion of the property portfolio that can be leased commercially. They will also support council to develop principles governing its property ownership and to assess the case for consolidating management of non-service properties / group property functions.
 - Reducing corporate costs and becoming a smaller, more focused agency – the organisational size and corporate spend of Eke Panuku will be reduced to meet this direction and to achieve the savings set out in the annual plan consultation document 2023/2024.
49. The letter of expectation requests that SOIs are concise and informative. As noted above, the draft SOI needs to be revised to be shorter and clearer. SOIs are public documents and should be easy to understand. The CCO review noted that many people have little understanding of what Eke Panuku do, so it is particularly important for their SOI to be clear.

Performance measures

50. Eke Panuku performance measures remain the same as previous years. This is in line with the KPMG review of CCO performance measures, which noted that the key urban regeneration and property and marina management measures are suitable. The review noted the challenges in measuring urban regeneration, with progress taking place over the medium-long term.
51. There are some recommendations from the KPMG review that will be progressed over the next year:
- potentially adding a measure on the quality of partnerships, for example a survey with development partners.
 - discontinuing the measure ‘commercial / retail gross floor area or net lettable area (sqm)’. This is because these projects are irregular and the quantum of new commercial space is quite small. This is a current LTP measure, therefore the change will be considered in the next LTP process.
 - improving climate and Māori outcome measures (together with other CCOs), with work to be led by council. In the interim it would be helpful to have an explanation of the nature of the 40 initiatives that support Māori outcomes.
52. Some of the measures need the role of Eke Panuku explained more clearly. For example the role of Eke Panuku in delivering net new dwellings.

53. Eke Panuku have provided an explanation around the changes to key performance targets:
- Net new dwellings are delivered through development agreements with partners, from the sale or long-term lease of council land. The target for 2023/2024 has reduced from 350 (LTP) to 180 (draft SOI). This is due to developments slowing down due to property market conditions.
 - Commercial / retail gross floor area or net lettable area (sqm) is also delivered through development agreements. The target for 2023/2024 has reduced from 29,000 (LTP) to nil (draft SOI). The reduction is due to property market conditions and lower demand for retail and office space, meaning developments are delayed.
 - Public realm (sqm) improvements in town centres - the target for 2023/2024 has reduced from 57,000 (LTP) to 7,000 (draft SOI). This is mainly due to external dependencies affecting project delivery. For example, the Auckland Harbour Bridge Park (21,508 sqm) is on hold due to the cancellation of the Northern Pathway and works in Manukau are contingent on land acquisition from a third party.
 - The asset recycling target: yet to be discussed and agreed between Eke Panuku and council.

Proposed feedback to Eke Panuku

54. We suggest that in the final SOI Eke Panuku:
- ensures that all performance measures are clearly outlined.

Other comments

55. A review of Eke Panuku urban regeneration work, by KPMG, was completed in March 2023. The SOI should reference this work, specifically how key recommendations will be taken forward, in particular:
- the need to refresh urban regeneration programmes, roughly every five yearly to reconfirm the outcomes and to support councils investment decisions
 - enhanced reporting against programme outcomes.
56. There are omissions in the 'partnerships and relationships' section of the draft SOI, including mana whenua, mātāwaka and the Independent Māori Statutory Board. The NZ Superfund partnership is also not mentioned here (or throughout the draft document). The focus and timing of this relationship should be outlined, given its importance. Likewise local board decision-making and quarterly reporting requirements at a governance level should be covered in the 'about us' section.

Proposed feedback to Eke Panuku

57. We suggest that in the final SOI Eke Panuku:
- include an overview of the KPMG review of urban regeneration and how key recommendations will be implemented.
 - ensure that key partnerships and relationships are reflected appropriately in the final SOI.

Watercare

Overall comments

58. Watercare's draft SOI is streamlined and very concise. It is structured around six activities which are clear to understand and a good basis for accountability to the council and the public.

59. A key element of the 2020 CCO Review were recommendations about improving the consistency of the CCO SOIs. This reflects that these are documents intended to inform the public about CCO activities and programmes, support good reporting and monitoring, and reinforce the sense of a group approach. One recommendation was to institute a new template for SOIs, which was agreed in 2021. While Tātaki and Eke Panuku have followed the template, Watercare has not. We consider that applying the template to the final SOI will provide for better strategic alignment and the inclusion of milestones for key actions and programmes.
60. The strategic alignment referred to in the draft SOI is limited and includes climate, health and safety and Māori outcomes at a high level. We would expect more information on Watercare's delivery of the Auckland Water Strategy actions it is leading in the final SOI.
61. The work with the Waikato Tainui Governance Board and Te Taniwha o Waikato is not reflected. It is an important response to the Waikato River consent and is recommended it is included in the final SOI.
62. The message from the chief executive and chair includes resilience as climate change results in more frequent extreme weather events and it is expected that this should be more strongly reflected under the activity on the climate change strategic outcome.

Alignment to letter of expectation

63. Watercare's draft SOI has largely addressed the specific expectations set in the letter of expectation:
 - Progress as required on Government's Three Waters programme – The draft SOI includes as one of the six activities the preparation for the government's waters reform, while preserving the ability to implement alternative arrangements if reforms do not proceed as planned. Since the draft SOI was prepared, the government announced its reset of the reform programme on 13 April 2023, increasing the number of water services entities from four to ten and staggering their establishment. The composition of Entity A remains unchanged (Auckland and Far North, Kaipara and Whangarei district water services) and its establishment date has yet to be confirmed. The impact of reform transition on Watercare's other five activities, any new changes to the government's programme and risks will need to be carefully scrutinised by the council throughout the transition period.
 - Development of local growth charges – While the draft SOI refers to the problem with local network delivery and funding and the investigation of opportunities to enhance the model, it does not include what is planned to be achieved and the milestones and timeframes.
 - Maintain low water costs for ratepayer users – The draft SOI includes as one of the six activities, 'Delivering our services and infrastructure projects efficiently, keeping a strong focus on operating costs, so we can minimise water charges'. There are also new financial performance measures on capital project delivery and controllable costs.
 - Continue to meet targets relating to climate, drought resilience and supply – This is covered at a high level in the draft SOI. There is limited information on work underway and progress expected to be achieved in 2023-24.
 - Improve performance on resource consent report delays and reduce the costs of development – A new performance measure is included in the draft SOI to meet agreed resource consent timelines.

Proposed feedback to Watercare

64. We recommend that in the final SOI Watercare:

- follows the SOI template that was developed with CCOs in 2021. The agreed template is structured in two parts: first, strategic overview which includes contribution to Auckland Plan outcomes and second, statement of performance expectations, noting that this includes a three-year work programme that should have clear deliverables and implementation dates.
- provides milestones for the work on local growth charges, and work on climate, drought resilience and supply so it is clear what is planned to be achieved and the timeframes involved. This could be included in a work programme.
- is clear that preparing for the government's water services reform will not compromise the other five key activities.
- includes the Auckland Water Strategy actions led by Watercare. Watercare should also include the Future Development Strategy which provides the basis for strategic and long-term planning of growth and development in the region.
- includes the primary outcomes Watercare delivers against the Kia Ora Tāmaki Makaurau Framework.
- strengthens how climate change resilience is addressed in the climate change activity.
- confirms that quarterly reporting on the work of the Waikato Tainui Governance Board and Te Taniwha o Waikato will be maintained within existing quarterly reporting regime.

Performance outlook

65. The number of performance measures has been reduced in Watercare's draft SOI from 32 to 28. This includes 14 measures required by the Department of Internal Affairs to be included in the council's long-term plan. Watercare also has a number of measures to report on to Taumata Arowai, the new water services regulator.

66. Watercare has introduced four new measures:

- Two new measures have been included in response to the KPMG review of performance measures across CCOs. A measure on the delivery of the capital programme in line with the asset management plan baseline approved by the Board (Target 80 per cent of projects are delivered within the approved budget and 80 per cent of projects are in service within the approved time). A measure on reactive and proactive maintenance spend against budget has also been introduced. We expect the final SOI to include the methodology for this measure.
- A new controllable costs measure has been introduced but there is little information provided. We expect the final SOI to include methodology, baseline and target for the measure, as a reflection of the considerable work Watercare has undertaken in this area with the Water Industry Commission for Scotland.
- As requested in the letter of expectation, a new measure is included on the adherence to the Service Level Agreement with council of ten working days for Watercare to provide specialist input into resource consents

67. Watercare has removed eight measures from the SOI:

- formal engagements with mana whenua*
- integration/ adoption of Te Reo and Tikanga Māori*
- workforce measures on percentage of Māori employees*
- workforce gender ratio*
- employee net promoter score*

- sourcing water from a diversity of sources; and preparing for alternative sources of drinking water in the future
- health, safety, wellbeing improvement plans
- leadership walks

** monitored internally*

68. For the Māori outcomes measures that were removed we expect that results relevant to Kia Ora Tāmaki Makaurau and Watercare's Achieving Māori Outcomes plan will continue to be reported to council. It is positive that Watercare have a measure on the procurement sources through Māori-owned businesses but note it is different to the council target.
69. The emissions reduction performance measure includes scope 1 and 2 emissions. We suggest that the reporting of scope 3 emissions be consistent with the group's commitments.

Proposed feedback to Watercare

70. We recommend that in the final SOI Watercare:
- includes information on how compliance will be ensured with the Taumata Arowai regulatory requirements
 - ensures the targets for water leakage and consumption is consistent with the Auckland Water Strategy targets.
 - sets out the methodology for the maintenance and controllable costs measures and look to set targets for this next year.
 - adopts the council standard measure and target for consistency of five per cent direct spend to Māori and Pasifika business or social enterprises and 15 per cent of indirect spend.
 - considers noting that reporting scope 3 greenhouse gas emissions to be consistent with the group approach.

Non-substantive CCOs and external partnerships

71. Council has eight other CCOs that are not considered 'substantive' under the Local Government (Auckland Council) Act 2009. The focus of these CCOs is either more local in nature than the substantive CCOs, or significantly smaller in scale, though the Governing Body is still responsible for their governance.
72. Three of these CCOs must provide the council with an SOI. The others have been exempted from CCO status and are therefore not subject to the normal accountability requirements of a CCO under the LGA, including preparing a SOI.
73. It is recommended that the Manager, CCO Governance and External Partnerships be delegated the authority to finalise the shareholder comments on the draft SOIs for Contemporary Art Foundation, Manukau Beautification Charitable Trust (MBCT) and Community Education Trust (COMET) Auckland.

Contemporary Art Foundation

74. Contemporary Art Foundation's draft SOI has generally appropriate performance measures and targets and its proposed budget is within budgeted allowances.
75. The main areas of proposed shareholder comment are that the Contemporary Art Foundation should:
- ensure that their Thriving Communities Outcomes reflect the updated Ngā Hapori Momoho – Thriving Communities Strategy 2022-2032
 - consider inclusion of an assessment of their contributions to the actions in Te Tāruke-ā-Tāwhiri – Auckland's Climate Plan.

Manukau Beautification Charitable Trust

76. The MBCT draft SOI has appropriate measures and targets and reflects a steady financial position with projected surpluses for 2023/34 to 2025/26.
77. The main areas of proposed shareholder comment are that MBCT should:
 - consider restructuring the order of sections within the draft SOI for improved flow
 - retitle some section headings to provide for greater clarity and linkages between areas of work, key focus areas and programmes
 - to better reflect section 64(6) of the LGA, include major accounting policies by either providing a link/referencing page numbers for the relevant section in the latest annual report or quoting specific accounting policies.

Community Education Trust Auckland

78. The consultation document for the annual budget 2023/2024 proposes that council stops all funding for COMET. In response, COMET have put in a submission requesting that their funding reduces over time, rather than stops in one go - \$350k for 2023/2024, \$250k for 2024/2025 and \$150k for 2025/2026 (note that council previously funded COMET \$558k per year).
79. The content of the draft SOI reflects COMET's submission, the financial information and also the deliverables and performance targets. This means the content of the COMET SOI may need to be amended to reflect budget decisions made on 8 June 2023. In their submission COMET state that 'losing all council funding at short notice would pose a significant risk to our ability to delivery our vision and mission because it will take several years to build up other funding'. Much of their current work would cease and it is possible that they would close.
80. In early 2023, the Youth Employability Programme that COMET developed, transitioned to Youthtown Inc (in accordance with their business model). Therefore the draft SOI has a couple of new initiatives proposed around youth voice and school attendance. Most performance measure targets have also reduced, given the reduced level of funding.
81. COMET's submission and draft SOI request that council support a change in COMET's Trust Deed, to disestablish them as a CCO. They would then re-settle as an independent charitable trust (with the timing of this shift to be jointly determined). We suggest that staff work with COMET to progress this.

Tātakiāki whakaaweawe āhuarangi Climate impact statement

82. CCOs are responsible for demonstrating how their draft SOI aligns with Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan. This has been reviewed by staff as part of reviewing the draft SOIs. Comments relating to climate impacts are included in the shareholder comments recommended above. In general terms Eke Panuku, Tātaki Auckland Unlimited and Watercare have covered alignment with Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan outcomes, with more detail needed in some sections.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

83. Staff have sought and incorporated feedback from various departments across the council.
84. When the official letters with feedback are provided to the CCOs, staff will work with the CCOs on how best to incorporate the shareholder feedback. This will also include providing further detail and addressing any formatting issues.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

85. The CCO Direction and Oversight Committee is responsible for providing shareholder comments on the draft SOI, and feedback from local boards is not sought. A range of additional mechanisms to build the relationship between local boards and CCOs has been implemented following the 2020 CCO Review, including new local board engagement plans, to ensure that CCOs appropriately consider the governance role of local boards.

Tātakiāki whakaaweawe Māori Māori impact statement

86. The activities of CCOs have significant potential to improve Māori wellbeing and to influence the achievement of the Auckland Plan and Kia Ora Tāmaki Makaurau. The draft SOIs were separately provided to the Independent Māori Statutory Board secretariat and council's Nga Mātārae team. As noted in the individual sections, Eke Panuku and Tātaki Auckland Unlimited have covered Kia Ora Tamaki Makaurau outcomes in their draft SOIs, however additions in this area are needed to the Watercare draft SOI.
87. Recognition of the IMSB's Māori Plan or Schedule of Issues of Significance was missing across all SOIs. This is highlighted in the proposed shareholder feedback common to all substantive CCOs.

Ngā ritenga ā-pūtea Financial implications

88. As noted in the comments above, the final SOI financial sections need to be aligned with the Annual Budget 2023/2024 decisions.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations









89. There are no direct risks associated with the proposed shareholder comments.
90. There is a risk that the CCOs may not adequately reflect the shareholder comments. This can be mitigated by working closely with the CCOs. Also, if the shareholder comments are not adequately reflected, the council can modify a SOI at any time.
91. The government's reform programme, including resource management reform, the Future of Local Government review, and National Policy Statement on Urban Development, all have the potential for significant impacts on the activities of council's CCOs. Staff will continue to provide advice on these matters, including staff from the CCOs.
92. Risk monitoring and oversight of the government's water services reform during the current transition period is led by an executive governance group, comprised of executive leadership from Auckland Council, Watercare and Auckland Transport.

Ngā koringa ā-muri Next steps

93. If the committee agrees with the feedback contained in this report, staff will draft letters based on this feedback and any other matters directed to be included by the Committee. These will be sent by the Mayor and the Chair of the CCO Direction and Oversight Committee to the chair of each CCO board, as soon as possible after this meeting, so that the CCOs can revise their SOIs accordingly and meet the deadline for final submission of 31 July 2023.

Item 8

Ngā tāpirihanga Attachments

No.	Title	Page
A 	Tataki Auckland Unlimited letter enclosing draft 2023-2026 Statement of Intent	
B 	Tataki Auckland Unlimited draft 2023-2026 Statement of Intent	
C 	Eke Panuku draft 2023-2026 Statement of Intent	
D 	Watercare letter enclosing draft 2023-2026 Statement of Intent	
E 	Watercare draft 2023-2026 Statement of Intent	
F 	Contemporary Art Foundation draft 2023-2026 Statement of Intent	
G 	Manukau Beautification Charitable Trust draft 2023-2026 Statement of Intent	
H 	COMET Auckland draft 2023-2026 Statement of Intent	

Ngā kaihaina Signatories

Authors	Rachel Wilson - Principal Advisor Sarah Johnstone-Smith - Principal Advisor Trudi Fava - CCO Programme Lead
Authoriser	Alastair Cameron - Manager - CCO Governance & External Partnerships

Summary of Council Controlled Organisation Direction and Oversight Committee information memoranda and briefings (including the forward work programme) – 11 May 2023

File No.: CP2023/00597

Item 9

Te take mō te pūrongo Purpose of the report

1. To tuhi ā-taipitopito / note the progress on the Council Controlled Organisation Direction and Oversight Committee forward work programme appended as Attachment A.
2. To whiwhi / receive a summary and provide a public record of memoranda or briefing papers that have been distributed to the Council Controlled Organisation Direction and Oversight Committee.

Whakarāpopototanga matua Executive summary

3. This is a regular information-only report which aims to provide greater visibility of information circulated to Council Controlled Organisation Direction and Oversight Committee members via memoranda/briefings or other means, where no decisions are required.
4. The following information items have been distributed:

Date	Subject
11/04/2023	Memo – Review of Eke Panuku urban regeneration

5. The following workshops/briefings have occurred:

Date	Subject
19/04/2023	Shareholder feedback on draft Statements of Intent

6. This document can be found on the Auckland Council website, at the following link:

<http://infocouncil.aucklandcouncil.govt.nz/>

7. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Committee members should direct any questions to the relevant staff.

Forward work programme

8. Following discussions with the Chair and Deputy Chair of the committee, staff are further developing the work programme of this committee. This will look at both reports that will come to the committee, and advice/information that will be provided to the committee members outside of committee meetings.
9. The work programme will look to:
 - a) Provide direction to the CCOs
 - b) Monitor performance of the CCOs
 - c) Advise the committee on the activities of the CCOs, and look for areas of improvement.
10. A more detailed memo outlining the proposed work programme will be circulated once this is finalised. A high-level summary is provided below.

Direction setting

11. Council provides direction to CCOs in a number of ways, including:
 - a) developing plans and strategies that CCO implement
 - b) setting priorities through the long-term plan and annual budgets
 - c) setting out expectations and priorities through a letter of expectation
 - d) commenting on and agreeing the Statements of Intent.
12. The statement of intent process is already part of the work programme of this committee.
13. Staff propose preparing a report that identifies any gaps in the strategic direction relating to the CCOs, so that the committee can consider and agree what further work needs to be progressed to fill those gaps.
14. Consideration will also need to be given as to what will be the most effective mechanism for setting direction.

Performance monitoring

15. The committee already receives regular performance reporting from the CCOs. However, staff propose to work with the CCOs to improve the quality of this reporting. Improvements will focus on providing activity level financial information. In addition, staff will work to better align financial and non-financial information so that there is a clear link between investment and activities, and to include more trend data so we can see how performance is tracking over time rather than in three-month snap shots.
16. Where appropriate, the committee may also receive more in-depth reporting on specific activities or issues.
17. Staff will undertake further work to improve the SOI performance measures, and LTP performance measures.

CCO activities




18. Staff will undertake work to provide information for the committee, and the public, on the activities of the CCOs. The intention is to provide greater understanding and transparency as to the CCOs activities.
19. This work will include the development of simplified documents to explain the activities of the CCOs. The CCO review also recommended that members of the Governing Body undertake site visits to the CCOs to get a better understanding of the activities being undertaken.
20. There is also the opportunity for the Lead Councillors to report back to the committee on specific CCO activities or issues. Staff will work with the Lead Councillors to identify appropriate issues to report on.
21. Finally, staff can report to the committee on operational issues or processes that may require improvement or focus. This could include areas of operational interaction between different CCOs, or between the council organisation and the CCOs.

Ngā tūtohunga Recommendation/s

That the Council Controlled Organisation Direction and Oversight Committee:

- a) tuhi ā-taipitopito / note the progress on the forward work programme appended as Attachment A of the agenda report
- b) whiwhi / receive the Summary of Council Controlled Organisation Direction and Oversight Committee information memoranda and briefings – 11 May 2023.

Ngā tāpirihanga Attachments

No.	Title	Page
A 	Forward Work Programme	
B 	Memo - Review of Eke Panuku urban regeneration	
C 	Workshop Notes: Shareholder feedback on draft Statements of Intent	

Ngā kaihaina Signatories

Author	Duncan Glasgow - Kaitohutohu Mana Whakahaere / Governance Advisor
Authoriser	Alastair Cameron - Manager - CCO Governance & External Partnerships

Summary of Council Controlled Organisation Direction and Oversight Committee information memoranda and briefings – 9 March 2023

File No.: CP2023/05709

Item 10

Te take mō te pūrongo Purpose of the report

1. To whiwhi / receive a summary and provide a public record of memoranda or briefing papers that may have been distributed to the committee.

Whakarāpopototanga matua Executive summary

2. This is a regular information-only report which aims to provide greater visibility and openness and transparency of information circulated to committee members via memoranda/briefings or other means, where no decisions are required.
3. The following memos were circulated to members of the Council Controlled Organisation Direction and Oversight Committee:

Date	Subject
28/2/2023	Haumaru Housing: Half-year report period ending 31 December 2022
28/2/2023	Haumaru Housing: Deed of Lease report
28/2/2023	COMET Auckland Te Hononga Akoranga: Half-year report period ending 31 December 2022
28/2/2023	Tāmaki Regeneration Company: Quarterly report - 31 December 2022
28/2/2023	Tāmaki Regeneration Company: Financials
28/2/2023	Manukau Beautification Charitable Trust: Half-year report period ending 31 December 2022

4. The following workshops/briefings have taken place for the committee:

Date	Subject
1/03/2023	Workshop: Review of Eke Panuku urban regeneration performance (specific focus on Northcote, Avondale and Manukau)








5. This document can be found on the Auckland Council website, at the following link: <http://infocouncil.aucklandcouncil.govt.nz/>
6. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Members should direct any questions to the authors.

Ngā tūtohunga Recommendation/s

That the Council Controlled Organisation Direction and Oversight Committee:

- a) whiwhi / receive the Summary of Council Controlled Organisation Direction and Oversight Committee information memoranda and briefings – 9 March 2023.

Ngā tāpirihanga Attachments

No.	Title	Page
A 	Haumaru Housing: Half-year report period ending 31 December 2022 (Under Separate Cover)	
B 	Haumaru Housing: Deed of Lease report (Under Separate Cover)	
C 	COMET Auckland Te Hononga Akoranga: Half-year report period ending 31 December 2022 (Under Separate Cover)	
D 	Tāmaki Regeneration Company: Quarterly report - 31 December 2021 (Under Separate Cover)	
E 	Tāmaki Regeneration Company: Financials (Under Separate Cover)	
F 	Manukau Beautification Charitable Trust – Half-year report period ending 31 December 2022 (Under Separate Cover)	
G 	Workshop notes and presentations: Review of Eke Panuku urban regeneration performance (specific focus on Northcote, Avondale and Manukau) (Under Separate Cover)	

Ngā kaihaina Signatories

Author	Duncan Glasgow - Kaitohutohu Mana Whakahaere / Governance Advisor
Authoriser	Alastair Cameron - Manager - CCO Governance & External Partnerships

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the **Council Controlled Organisation Direction and Oversight Committee**

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 **CONFIDENTIAL: Referred from the Audit and Risk Committee - Council-Controlled Organisations' Quarterly Risk Update - February 2023**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
<p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>s7(2)(c)(i) - The withholding of the information is necessary to 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 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.</p> <p>In particular, the report contains risk reporting and detailed top risks confidential to the substantive council-controlled organisations' boards or Audit and Risk Committees. The substantive council-controlled organisations have provided their risk reports for council's Audit and Risk Committee subject to confidentiality.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>

C2 CONFIDENTIAL: Referred from the Audit and Risk Committee - Ports of Auckland Limited Risk Update - February 2023

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
<p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>s7(2)(c)(i) - The withholding of the information is necessary to 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 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.</p> <p>In particular, the report contains risk reporting and detailed top risks confidential to Ports of Auckland Limited's board or Audit and Risk Committee. Ports of Auckland Limited have provided their risk reports for the Council's Audit and Risk Committee subject to confidentiality.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>