



# **RĀRANGI TAKE AGENDA**

## **Hui Te Komiti Whakamauru Tūraru | Risk and Assurance Committee Meeting**

**I hereby give notice that a Meeting of the Te Komiti Whakamauru  
Tūraru | Risk and Assurance Committee will be held on:**

**Te Rā | Date: Thursday, 15 February 2024**

**Te Wā | Time: 9.30am**

**Te Wāhi | Location: Council Chamber  
Ground Floor, 175 Rimu Road  
Paraparaumu**

**Mark de Haast  
Group Manager Corporate Services**

**Kāpiti Coast District Council**

**Notice is hereby given that a meeting of the Te Komiti Whakamauru Tūraru | Risk and Assurance Committee will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 15 February 2024, 9.30am.**

**Te Komiti Whakamauru Tūraru | Risk and Assurance Committee Members**

Mr David Shand	Chair
Mayor Janet Holborow	Member
Deputy Mayor Lawrence Kirby	Member
Cr Liz Koh	Member
Cr Jocelyn Prvanov	Member
Cr Glen Cooper	Member
Mr David Cochrane	Member
Ms Oriwia Raureti	Member

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**1 NAU MAI | WELCOME****2 KARAKIA A TE KAUNIHERA | COUNCIL BLESSING**

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro *As we deliberate on the issues before us,*

E pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. *We trust that we will reflect positively on the communities we serve.*

Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, *Let us all seek to be effective and just,*

Ā, mā te māia, te tiro whakamua me te hihiri *So that with courage, vision and energy,*

Ka taea te arahi i roto i te kotahitanga me te aroha. *We provide positive leadership in a spirit of harmony and compassion.*

**3 WHAKAPĀHA | APOLOGIES****4 TE TAUĀKĪ O TE WHAITAKE KI NGĀ MEA O TE RĀRANGI TAKE | DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

**5 HE WĀ KŌRERO KI TE MAREA MŌ NGĀ MEA E HĀNGAI ANA KI TE RĀRANGI TAKE | PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA****6 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS**

- (a) Updates by the Chair
- (b) Leave of Absence
- (c) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

## 7 HE KŌRERO HOU | UPDATES

### 7.1 EMERGENCY MANAGEMENT 101

Kaituhi | Author: **Roderick Hickling, Emergency Management Advisor**

Kaiwhakamana | Authoriser: **James Jefferson, Group Manager Regulatory Services**

### TE PŪTAKE | PURPOSE

- 1 This report provides the Risk and Assurance Committee with an update of Emergency Management.

### TAUNAKITANGA | RECOMMENDATIONS

- A. That the Risk and Assurance Committee notes this update.

### TŪĀPAPA | BACKGROUND

- 2 Under the CDEM Act (2002) local authorities have a responsibility to ensure that the District is able to function to the fullest extent possible, even though this may be at a reduced level during and after an emergency, and to plan and provide for civil defence emergency management within their District. Over recent times, there has been an increase in frequency and severity of weather events. There is a critical need to be able to respond and then recover effectively from such events at the same time as preparing for lower frequency but higher impact events like a major earthquake and/or tsunami.
- 3 This briefing will update the Committee on Kāpiti Coast District Council's preparedness for future events.

### HE TAKE | ISSUES

- 4 No issues noted.

### NGĀ KŌWHIRINGA | OPTIONS

- 5 No options noted.

### NGĀ MAHI PANUKU | NEXT STEPS

- 6 To be covered during the presentation.

### NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

## 8 PŪRONGO | REPORTS

### 8.1 HEALTH AND SAFETY QUARTERLY REPORT : 1 OCTOBER 2023 - 31 DECEMBER 2023

Kaituhi | Author: **Dianne Andrew, Organisational Development Manager**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

## TE PŪTAKE | PURPOSE

- 1 This Report presents the Health and Safety Quarterly Report for the period 1 October 2023 – 31 December 2023.

## HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 Not required for this report.

## TE TUKU HAEPAPA | DELEGATION

- 3 The Risk and Assurance Committee has delegated authority to consider this report under the following delegation in the Governance Structure, Section C 1:
  - *Ensuring that the Council has in place a current and comprehensive risk management framework and making recommendations to the Council on risk mitigation;*
  - *Assisting elected members in the discharge of their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to their role;*
  - *Governance role in regard to the Health and Safety Plan.*

## TAUNAKITANGA | RECOMMENDATIONS

- A. That the Risk and Assurance Committee notes the Health and Safety Quarterly Report for the period 1 October 2023 – 31 December 2023 attached as Appendix One to this Report.

## TŪĀPAPA | BACKGROUND

- 4 The quarterly Health & Safety Report is intended to provide the Council with insight into initiatives and activities and their progress, as part of our Council's commitment to providing a safe and healthy place to work. The contents and any subsequent discussions arising from this report can support Officers to meet their due diligence obligations under the Health & Safety at Work Act (HSWA) 2015.
- 5 The timing of the Health and Safety Quarterly Reports does not prevent an 'as and when required' verbal update from the Chief Executive to the Mayor and Council regarding serious or high profile risk events. Such events would be recorded and retrospectively included in the next available Quarterly Report.

## HE KŌRERORERO | DISCUSSION

### He take | Issues

- 6 There are no issues to highlight in addition to those included in Appendix One to this report.

### Ngā kōwhiringa | Options

- 7 There are no options arising from this report.

### Tangata whenua

- 8 There are no mana whenua considerations arising from this report.

**Panonitanga āhuarangi | Climate change**

9 There are no climate change considerations arising from this report.

**Ahumoni me ngā rawa | Financial and resourcing**

10 There are no financial or resourcing considerations arising from this report.

**Ture me ngā Tūraru | Legal and risk**

11 There are no legal and risk considerations in addition to those already noted in this report.

**Ngā pānga ki ngā kaupapa here | Policy impact**

12 There are no policy considerations arising from this report.

**TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT**

13 There are no communication and engagement considerations arising from this report.

**Te mahere tūhono | Engagement planning**

14 An engagement plan is not needed regarding this report.

**Whakatairanga | Publicity**

15 There are no publicity considerations.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

1. Health and Safety Quarterly Report for the period 1 October to 31 December 2023 [↓](#)

**KĀPITI COAST DISTRICT COUNCIL**  
**Health and Safety Quarterly Report to the Risk and Assurance Committee**  
**1 October 2023 – 31 December 2023**

**Appendix One**

## 1 Executive Summary

There were no WorkSafe notifiable or serious harm events this Quarter. No 'reasonable cause' drug and alcohol tests were required from employees this quarter.

EAP hours continue to increase slightly from the last quarter (54 from 51). This increase is not a significant concern.

Two Trespass Notices were prepared this Quarter. One Notice was served prior to the Christmas break and one is due to be served early in the new year. Both Notices were issued to members of the public as a result of their behaviours towards staff.

The Property Services team have implemented a new process to enable more visible connectivity between purchase orders raised for capital works Contractors and their registration on the Sitewise system.

## 2 LEAD INDICATORS

### 2.1 CORPORATE HEALTH AND SAFETY TRAINING SUMMARY

Training Type	Training Course Name	Scheduled	Status
<i>Role Related</i>	<ul style="list-style-type: none"> <li>NZ Pool Lifeguard (Level 3) Certificate</li> <li>Pool Lifeguard Practicing Cert</li> <li>Site Traffic Management Specialist</li> </ul>	Nov 2023  Oct 2023 Oct 2023	Completed  Completed Completed
<i>Critical Risk Related</i>	<ul style="list-style-type: none"> <li>AA Safe Driving Assessment - Phase 1: All drivers of Council vehicles (online assessment)</li> <li>AA Safe Driving Assessment - Phase 2: Regular drivers (practical assessment)</li> <li>Situational Safety and Tactical Communications</li> </ul>		Not due to be scheduled. Awaiting update on inclusion into the on-line training portfolio.  Not due to be scheduled. Awaiting refresh for linking to role specific training in the on-line training portfolio.  Review of timing for training related to aggressive interactions to enable regular refresh opportunities as well as customized training for specific teams.
<i>Leadership</i>	<ul style="list-style-type: none"> <li>Totara Hui</li> </ul>	Nov 2023	Completed

1

**KĀPITI COAST DISTRICT COUNCIL**  
**Health and Safety Quarterly Report to the Risk and Assurance Committee**  
**1 October 2023 – 31 December 2023**

## Appendix One

Training Type	Training Course Name	Scheduled	Status
<i>General - Health &amp; Safety</i>	• Comprehensive First Aid	Oct/Nov 2023	Completed
	• First Aid Refresher	Oct/Nov 2023	Completed
	• Heartbeat CPR training	Dec 2023	Completed
	• Health & Safety Rep training	Nov 2023	Completed

**2.2 EMERGENCY EVACUATIONS AND DRILLS**

- Trial evacuations are current for all required buildings.

**2.3 WELLNESS INITIATIVES**

Wellness Initiative	Staff recipients
Eye Examinations	15
Ergonomic Work Assessments	4
*Hearing Tests Annual cycle October-December	1
*Noise Monitoring (Water Treatment Plants and Operations) - 5 yearly cycle commenced October – December 2020	Not due this quarter

\*Note: Hearing tests and noise monitoring under review and to be incorporated in wider occupational health monitoring program.

**2.4 DRUG AND ALCOHOL MANAGEMENT**

- Pre-employment Drug and Alcohol Tests continue to be a requirement undertaken by all preferred applicants.
- Reasonable cause testing continues to be undertaken as a mandatory requirement where any incident involves the use of machinery or vehicles, and a worker's actions or lack of action may have contributed.
- No Reasonable Cause tests were conducted during this quarter.

**2.5 RISK MANAGEMENT**

- As of 31 December 2023, there are a total of 126 selected Contractors on the SiteWise system, which is up from 113 last quarter.
- As of 31 December, there were 59 Care Register entries, with 1 addition this quarter, which related to an abusive customer.
- EAP hours are up slightly from the last quarter (54 from 51). Presenting issues classified under 'work' have decreased with the subject areas of workload pressures and mental health maintaining a presence. Some of these are related to uncertainties related to the recent organisational restructure. Presenting issues classified under 'personal' remain steady but have also slightly decreased this quarter (18 from 21). Pressures of Christmas and the organisational restructure should be taken into account for this period.
- The Property Services team have implemented a process for reviewing electronic purchase orders to ensure that staff engaging contractors for physical works have confirmed that their contractor has completed the prequalification for health and safety in SiteWise, or another Council approved agency offering health and safety pre-qualification assessment.

**KĀPITI COAST DISTRICT COUNCIL**  
**Health and Safety Quarterly Report to the Risk and Assurance Committee**  
**1 October 2023 – 31 December 2023**

**Appendix One**

- **Trespass Notices**

During this period two Trespass Notices were required. Both related to abusive and harassment behaviours by members of the public/customers towards front line staff.

One related to a known customer and the type of behaviours experienced from them when they contact staff. This is an ongoing issue and a management plan to manage this persons interactions with the Council has been developed and is being put in place across the different teams which interact with the queries.

The second Trespass Notice related to an assault on a staff member outside the workplace.

The assault was deemed by Police to be a 'random' incident. The person has since been charged and was granted bail.

## **2.6 SENIOR LEADERSHIP TEAM**

- The focus on staff safety continues with SLT championing the development of a health and safety process and risk assessment for council led public engagement sessions. This also extends to in-house activities.
- SLT continues to recognise appropriate rest and recreation breaks are an important part of employee wellbeing and as such are continuing to monitor use and accumulation of leave.
- As part of its focus on staff health and wellbeing, SLT approved free pool access for all Council employees.

## **2.7 ORGANISATION HEALTH AND SAFETY COMMITTEE**

- Monthly meetings were held in October, November and December 2023.
- There was one health and safety representative departure this quarter bringing the total number of representatives to 16.
- With the support of Communications and Marketing, the committee have agreed to develop health and safety promotional themes, brands and campaigns to raise visibility and build the Council health and safety culture. The theme of 'Aggressive Interactions' is currently under way with posters and scenario messaging being developed for each Council site. New signage has also been placed in customer facing areas requesting customers to be patient, considerate and respectful of Council staff.
- Health and Safety Committee Members and Fire Wardens assisted in facilitating the earthquake drill for New Zealand ShakeOut on the 19<sup>th</sup> October. After the drill, WREMO hosted a debrief in the Civic building with a short CDEM related quiz and prizes including a CDEM grab bag and a 200L water tank.
- The Health and Safety Committee provided its feedback to the updating of the *Preventing and Responding to Workplace Bullying, Harassment and Discrimination Policy*.

## Health and Safety Dashboard: October – December 2023

Number of Actual or Potential 'Severe' Major' & 'Moderate' Events related to Critical Risk		Oct-Dec 2023	July 2023 - YTD
	Aggressive interactions	7	9
	Biological hazards & unknown organisms	0	0
	Contractor Management	3	4
	Driving	0	2
	Fatigue	0	0
	Hazardous Substances	1	2
	Psychological H&S	0	1
	Remote & Isolated Work	0	0
	Working with animals	0	1

## Total Events

125

Oct-Dec

## Overdue Corrective Actions for Incidents Rated Severe/Major/Moderate

0

Target 0

## H&amp;S Representative Numbers

16

Target &gt; 10

## Health, Safety &amp; Wellbeing Induction module (modules assigned vs completions)

8

(8/32)

35%

Target &gt; 95%

## Notifications to WorkSafe

0

Oct-Dec

0

YTD

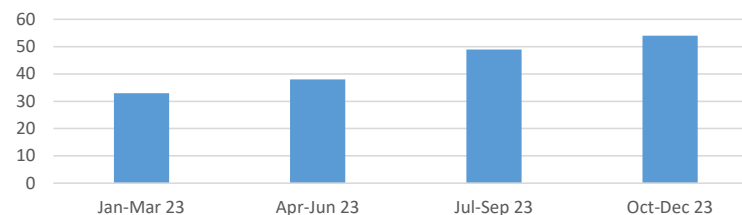
## Improvement Notices from WorkSafe

0

Oct-Dec

2

YTD

EAP Hours Used  
(includes staff and elected members)

## Key Insights

- The number of actual or potential events relating to critical risks that were rated severe, major or moderate was 11.
- There was 1 emerging risk identified following a near miss at the Pools (refer to No. 13 on page 2 of this dashboard).
- Health and Safety Representative numbers have decreased from 17 in the Jul-Sep period to 16 in the Oct-Dec period and they remain above target.
- The number of Council staff showing as having completed the HSW Induction via the e-Ako module is below target. As this is a new initiative, a review will be undertaken to ensure the new process is fully embedded.
- There were no WorkSafe notifiable or serious harm events this quarter.
- EAP issues reported under 'work' have decreased since the last quarter with issues relating to workload pressures and mental health maintaining a presence.



## Actual or Potential 'Severe' 'Major' & 'Moderate' Events related to Critical Risk and Emerging Risks: October – December 2023

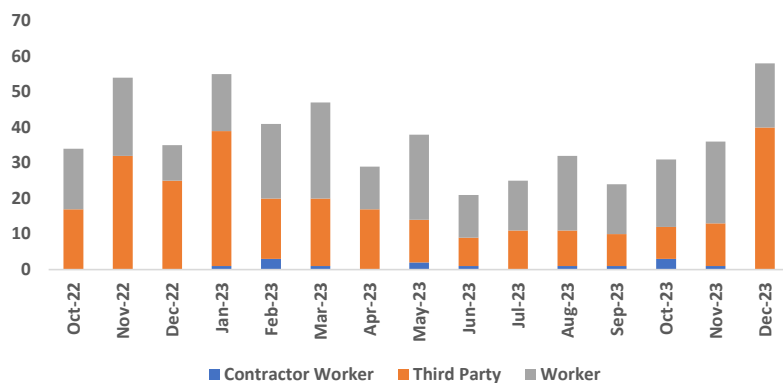
Risk	Critical Risk (Y/N)	Key Information	Description	Identified failed or absent controls	Corrective actions
1 Aggressive Interactions	Y	Vault ID 6405 - 26/10/2023	Animal Management team seized two dogs from property . Owner arrived and verbally abused officers and threatened them with a gun.	None	Police were called
2 Aggressive Interactions	Y	Vault ID 6406 - 27/10/2023	Aggressive and volatile dog owner presented at front counter of Civic - he had been requested to pay for release of impounded dogs.	None	Address and customer added to the Care Register
3 Aggressive Interactions	Y	Vault ID 6417 - 31/10/2023	Animal Management team investigating dog complaint SR#2330489 - were verbally abused by owner and requested to vacate the property.	None	After attempts to defuse the situation failed, officers left the property. Under investigation
4 Aggressive Interactions	Y	Vault ID 6436 - 20/10/2023	Protesters at Library for Rainbow Storytime - one protester was particularly aggressive.	Process and Risk Assessment Tool	Staff ensured protestors did not block access to library for other visitors. No protestors entered the library and were gone by the time Storytime was finished.
5 Aggressive Interactions	Y	Vault ID 6444 - 20/10/2023	Member of the public aggressively barged into a staff member outside Civic building	None	Incident reported to police
6 Aggressive Interactions	Y	Vault ID 6490 - 19/12/2023	Erratic behaviour by library user; shouting swearing.	None	User was asked to leave the library.
7 Aggressive Interactions	Y	Vault ID 6516 - 31/12/2023	A trespassed customer phoned the contact centre and visited the Civic public counter 24 times in December.	None	Police were called and have been in contact. Investigating blocking their number.
8 Contractor Management	Y	Vault ID 6393 - 03/10/2023	Contractor drove roller into a trench.	Training and supervision	Full investigation completed.
9 Contractor Management	Y	Vault ID 6397 - 13/10/2023	Subcontractor was to look at site and mark out installation points but instead bought digger onsite and started work. Pressurised wastewater pipe was struck.	Training and supervision	The incident was recorded and followed up with the Principal Contractor who was responsible for the site.
10 Contractor Management	Y	Vault ID 6468 - 13/12/2023	Contractor failure to wear correct PPE, namely safety glasses while using Skillsaw.	Training and supervision	Requested work stop and PPE be worn - informed the supervisor of the incident.
11 Hazardouse Substances	Y	Vault ID 6413 - 19/10/2023	Pipe burst and splashed chlorine over worker.	PPE, training and supervision	Washed the chlorine off with water and shut off the connecting pipes to the chlorine tank.
12 Alcohol and Drugs	N	Vault ID 6389 - 06/10/2023	Couple entered library under the influence of some substance type. Behaved unusually for 30mins before one started shaking and acting erratically.	Involve a Hub lead at the onset of event	Security guard assisted but in future, the police should be called if situation deteriorates.
13 Working in/over water	N	Vault ID 6438 - 25/11/2023	Near Miss. Bar of the Aquatics flying fox (zipline) unclipped, nearly landing on the head of the zipline use.	A screw gate carabiner that retains the handle to the carriageway may have worked loose	Have added checks to this equipment in the operating procedures and Team Leaders have refreshed the operator training.



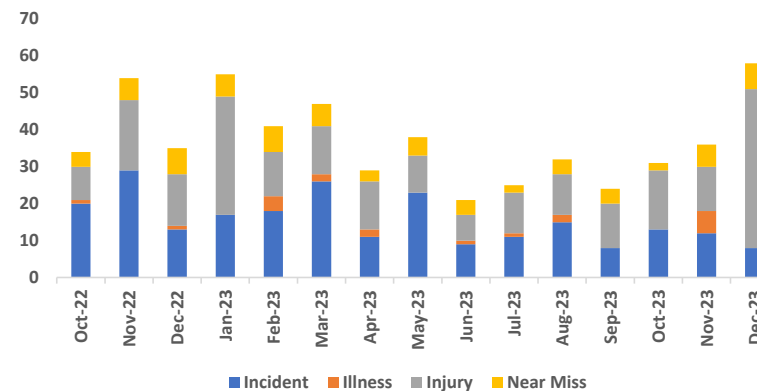
## Health, Safety &amp; Wellbeing Performance Report – Group Dashboard – October – December 2023

Group Overview		Organisational Development		Strategy & Growth		People & Partnerships		Iwi Partnerships		Corporate Services		Place & Space		Regulatory Services		Infrastructure Services		Total	
		Oct-Dec	YTD	Oct-Dec	YTD	Oct-Dec	YTD	Oct-Dec	YTD	Oct-Dec	YTD	Oct-Dec	YTD	Oct-Dec	YTD	Oct-Dec	YTD	Oct-Dec	YTD
Lead Indicators	Near Miss Reporting	0	0	0	0	0	0	0	0	0	0	10	15	2	5	3	5	15	25
	H&S Representatives	0	0	0	2	0	2	0	1	0	1	-1	4	0	2	0	4	16	16
Lag	Total Events by Group	0	1	0	0	2	2	0	0	0	0	94	139	7	13	22	42	125	197

Events by Person Type



Events by Classification



## 8.2 TOP 10 ORGANISATIONAL RISK REPORT

Kaituhi | Author: **Nienke Itjeshorst, Lead Risk and Assurance Advisor**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

### TE PŪTAKE | PURPOSE

- 1 This report updates the Risk and Assurance Committee on the Top 10 Organisational Risks currently facing the organisation.

### HE WHAKARĀPOOTO | EXECUTIVE SUMMARY

- 2 This report does not require an Executive Summary.

### TE TUKU HAE PAPA | DELEGATION

- 3 The Risk and Assurance Committee has delegated authority to consider this report under section C.3 of the Governance Structure and Delegations.

- *Ensuring that Council has in place a current and comprehensive risk management framework and making recommendations to the Council on risk mitigation.*

### TAUNAKITANGA | RECOMMENDATIONS

- A. That the Risk and Assurance Committee receives and notes this report, including Appendix 1 to this report.

### TŪĀPAPA | BACKGROUND

- 4 The Top 10 Organisational Risks are aimed at setting a clear direction for staff as to what the Senior Leadership Team (SLT) have identified as the highest areas of potential risk for the organisation to being able to successfully achieve its objectives.
- 5 “Risk” for the management of the council organisation is defined as:
  - 5.1 the impact of uncertain events that can happen in the future on the planned objectives that the SLT wants the organisation to deliver and/or achieve (short, medium and long term), and
  - 5.2 includes strategic, reputational, regulatory, legal, security, change and operational risks.
- 6 The current Top 10 risks are managed in a risk register in our Enterprise Risk Management software: Camms Risk. It is important to note that these risk listings are:
  - 6.1 not ranked in order of severity,
  - 6.2 capped at 10, to provide a clear focus for SLT and this Committee,
  - 6.3 not ‘set in stone’, emerging organisational risks can be brought forward to replace an existing risk when required and/or relevant.
- 7 Engagement on the organisational risk profile is through on-going conversations with SLT and activity managers about these risks, the controls to prevent or mitigate these risks and status of risk treatments that are underway to implement the controls to achieve the target risk level. These conversations ensure each risk is regularly reviewed providing assurance that the treatments are being conducted to further mitigate the risk.

- 8 The table below identifies the current Top 10 Organisational Risks.

Risk No.	Risk Title
ORG 1	Loss of life, serious injury or illness due to insufficient Health, Safety and Wellbeing management.
ORG 2	Failure to adequately maintain social licence.
ORG 3	Failure to give effect to Te Tiriti and our obligations to Iwi, Hapu and Māori.
ORG 4	Inadequate mitigation and adaptation responses to known and future climate change challenges.
ORG 5	Failure to achieve legislative obligations.
ORG 6	Inadequate management of the impacts of central government reform/change.
ORG 7	Inadequate safeguards against cyber security threats.
ORG 8	Failure to prudently manage Council's financial stability including fraudulent activity.
ORG 9	Failure to maintain business continuity for our core services <i>and inadequate planning and preparedness for emergencies</i> .
ORG 10	Inability to attract and retain sufficient capacity to deliver Council's objectives.

- 9 A list of AS/NZS?ISO 3100:2018 Standard: Risk Management – Guidelines definitions is included in the Heatmap Report on the last page.

## HE KŌRERORERO | DISCUSSION

- 10 This report provides an update of the current Top 10 Organisational Risks. The 'Top 10 Organisational Risk Heatmap Report' attached as Appendix 1 to this report, details how the organisation is treating and mitigating these risks, with progress updates against each of the individual risk treatments.

### Changes to Top 10 Organisational Risks

- 11 Discussions with Activity Managers and SLT have resulted in a change of the target risk ratings for Organisational risks 5 and 8. Both 'target risk' ratings are now rated moderate (as opposed to low), which is considered to be more realistic and shows an appropriate level of risk acceptance, taking into account the size of this organisation and its annual financial turnover. For Organisational risk 8 this means that the current risk rating and the target risk rating are the same.
- 12 Following the proposed establishment of an Emergency Management team within Council and the increasing risk of severe weather events it was also considered appropriate to include emergency management in the Organisation Top 10 Risks and bring this into ORG risk 9 (for now). This risk is now defined as presented in paragraph 8 above as: Failure to maintain business continuity for our core services *and inadequate planning and preparedness for emergencies*. Controls and risk treatments for emergency management have been added to the heatmap report.

### Long Term Plan development and risks considerations.

- 13 As part of the development of the 2024-34 Long Term Plan, asset managers are considering risks to their assets and services delivery and plan projects, actions, improvements to mitigate and manage these risks. Each asset management plan contains a risk register that includes risk assessment and lists risk treatments. The treatments are part of the planned forward work-programmes and incorporated into budgets.

**He take | Issues**

14 There are no issues to be raised in this report.

**Ngā kōwhiringa | Options**

15 There are no options to be raised in this report.

**Tangata whenua**

16 There are no tangata whenua considerations arising in addition to those included in Appendix 1 to this report.

**Panonitanga āhuarangi | Climate change**

17 There are no climate change considerations arising in addition to those included in Appendix 1 to this report.

**Ahumoni me ngā rawa | Financial and resourcing**

18 There are no further financial and resourcing considerations arising from this report.

**Ture me ngā Tūraru | Legal and risk**

19 There are no further legal considerations arising from this report.

**Ngā pānga ki ngā kaupapa here | Policy impact**

20 There are no further policy implications arising from this report.

**TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT****Te mahere tūhono | Engagement planning**

21 This matter has a low level of significance under the Council's Significance and Engagement Policy.

**Whakatairanga | Publicity**

22 There are no publicity considerations.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

1. Organisational Top 10 Risk Heatmap Report 15 February 2024 [↓](#)



# Top 10 Organisational Risk Heatmap Report

Kāpiti Coast District Council

**Camms.**

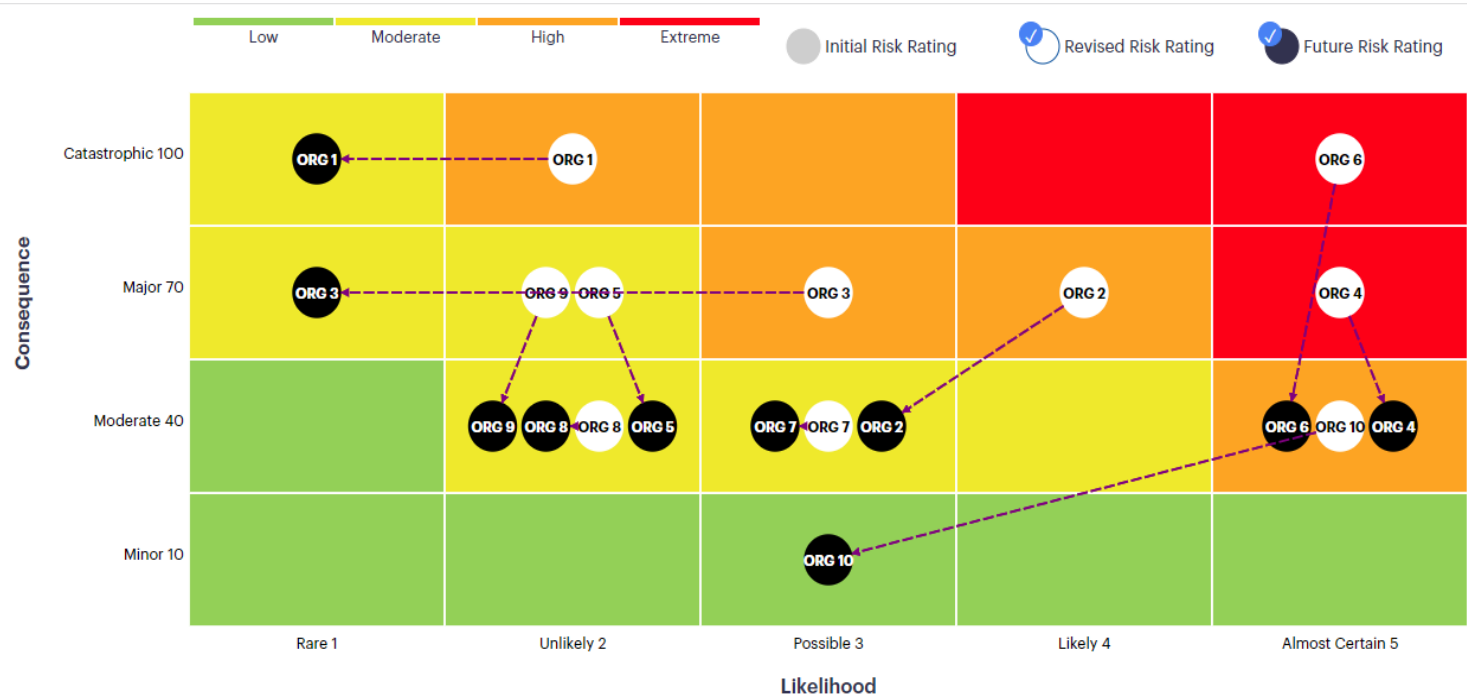
15 February 2024

HEATMAP SUMMARY

The heatmap shown below presents a 'big picture' and concise view of all current Organisational Risks for Council. It enables you to see on one page how each risk is tracking from the current (revised) risk rating towards the target (future) risk rating. Council is aiming to achieve the target risk ratings using appropriate risk treatment. The risk treatments under each risk in this report provide more detail. The current risk rating was achieved by revising the initial risk rating taking into consideration the existing risk controls. For clarity reasons the initial risk ratings are not shown in the below map. The initial risk ratings for each risk are shown in the heatmaps further in this report.

For two Organisational Risks the current risk rating and the future risk rating is the same (ORG 7 and ORG 8) which means that the risk is managed at an acceptable level.

- Initial risk rating - The initial risk level without taking into consideration existing risk control measures
- Current Risk Rating - The current risk level taking into consideration existing risk controls and their effectiveness
- Target Risk Rating - The future risk level taking into consideration planned risk treatments, new and existing controls and their effectiveness
- The target risk rating represents the Risk Appetite, which means the level of risk Council is willing to accept when delivering on its objectives.



## RISK SUMMARY - ORGANISATIONAL RISKS

Risk Title	Initial	Current	Target
<b>ORG 1 - Loss of life, serious injury or illness due to insufficient Health, Safety and Wellbeing management</b>	Extreme	High	Moderate
<b>Risk Sponsor Comments:</b> Council is committed to providing a healthy, safe working environment improved by a continuous improvement approach for learning opportunities and leadership development.			
<b>ORG 2 - Failure to adequately maintain social licence</b>	High	High	Moderate
<b>Risk Sponsor Comments:</b> To maintain social licence means for our council that our community trusts us to make good decisions about how we spend ratepayer's money and invest in our district's future.			
<b>ORG 3 - Failure to give effect to Te Tiriti and our obligations to Iwi, Hapu and Maori</b>	Extreme	High	Moderate
<b>Risk Sponsor Comments:</b> There are potential partnership, legal and reputational consequences for the Council associated with this risk, however an increased focus within Council including the delivery of Te Tiriti o Waitangi workshops provides an improving foundation for working alongside our mana whenua iwi partners to understand and mitigate these.			
<b>ORG 4 - Inadequate mitigation and adaptation responses to known and future climate change challenges</b>	Extreme	Extreme	High
<b>Risk Sponsor Comments:</b> We are seeing increasing impacts of climate change and will need to continually increase our response to adapt and mitigate climate change. This means focus on reducing carbon emissions to prevent further global warming, and planning to live with a changing climate and managing the impacts of that. This is a long-term response where Council is also advocating for action from others and influencing decision-makers, as actions need to be taken by everyone not just council.			
<b>ORG 5 - Failure to achieve legislative obligations</b>	Extreme	Moderate 70	Moderate 40
<b>Risk Sponsor Comments:</b> There are significant controls in place and staff are acutely aware of the risks of not meeting their statutory obligations as part of their roles. Staff understand the potential consequences to Council's reputation if we were to fail to meet these legislative obligations.			
<b>ORG 6 - Inadequate management of the impacts of central government reform/change</b>	Extreme	Extreme	High
<b>Risk Sponsor Comments:</b> We are working in a reasonably fluid environment in regard to central government reform/change. The coalition agreement has provided some direction and initial change. We are monitoring further change and direction setting closely and ensuring there is a good understanding of the implications for Council.			
<b>ORG 7 - Inadequate safeguards against cyber security threats</b>	Extreme	Moderate	Moderate
<b>Risk Sponsor Comments:</b> Cyber security protection measures need to be fit for purpose for the Council and resourced appropriately.			
<b>ORG 8 - Failure to prudently manage Council's financial stability including fraudulent activity</b>	Extreme	Moderate	Moderate
<b>Risk Sponsor Comments:</b> Generally satisfied with internal controls of the financial system. More regular training and awareness of the fraud mitigation policy is to be planned.			

Risk Title	Initial	Current	Target
<b>ORG 9 - Failure to maintain business continuity for essential services and inadequate planning and preparedness for emergencies.</b>	High	Moderate	Moderate
<b>Risk Sponsor Comments:</b> Business continuity remains a key area of focus. A rolling review is to be undertaken to ensure BCP's are fit for purpose, with regular reviews and complacency checks to ensure controls are kept up to date with improvements to processes highlighted and updated. To have robust emergency management planning processes in place and a high level of preparedness is essential for Council's ability to deliver an adequate response during and after an emergency event and meet its obligations under the CDEM Act.			
<b>ORG 10 - Inability to attract and retain sufficient capacity to deliver Council's objectives</b>	Extreme	High	Low
<b>Risk Sponsor Comments:</b> Our Council is experiencing challenges in attracting and retaining suitably skilled and experienced staff. This is a current observation across Local Government at present, especially in small-sized Councils. This challenge is also compounded through candidate remuneration expectations balanced against what the Council can afford to pay.			

ORG 1 - Loss of life, serious injury or illness due to insufficient Health, Safety and Wellbeing management

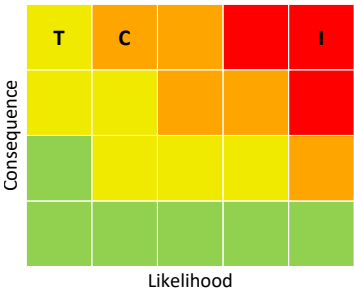


RISK OVERVIEW

Organisational Risk

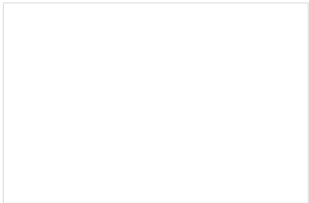
ORG 1	Loss of life, serious injury or illness due to insufficient Health, Safety and Wellbeing management			
Risk Categories: Health, Safety and Wellbeing, Legal and Regulatory Compliance, Reputational and Stakeholder Relationship	Risk Sponsor: Chief Executive	Secondary Risk Sponsor(s): Senior Leadership Team (SLT)	Last Reviewed Date: 23 Jan, 2024	Next Review Date: 30 Apr, 2024

ndividual Heatmap



- I Initial Risk Assessment
- C Current Risk Assessment
- T Target Risk Assessment

Effectiveness of control	
C	Partially Effective



Causes

- Complacency
- Failure to engage and listen to staff
- Ineffective consistent engagement and communication between staff and management
- Ineffective safeguards and/or process controls
- Insufficient levels of capability
- Lack of adherence of contractor management frameworks
- Lack of sharing information to enable lessons learnt
- Loss of balance between resourcing and expectations
- Personal circumstances of staff
- Poor health and safety processes
- Poor safety culture and/or behaviours





Consequences

- Absenteeism
- Financial penalties
- Injuries and/or fatalities
- Negative impact on psychological wellbeing
- Reduced resilience
- Reputational damage
- Legal consequences

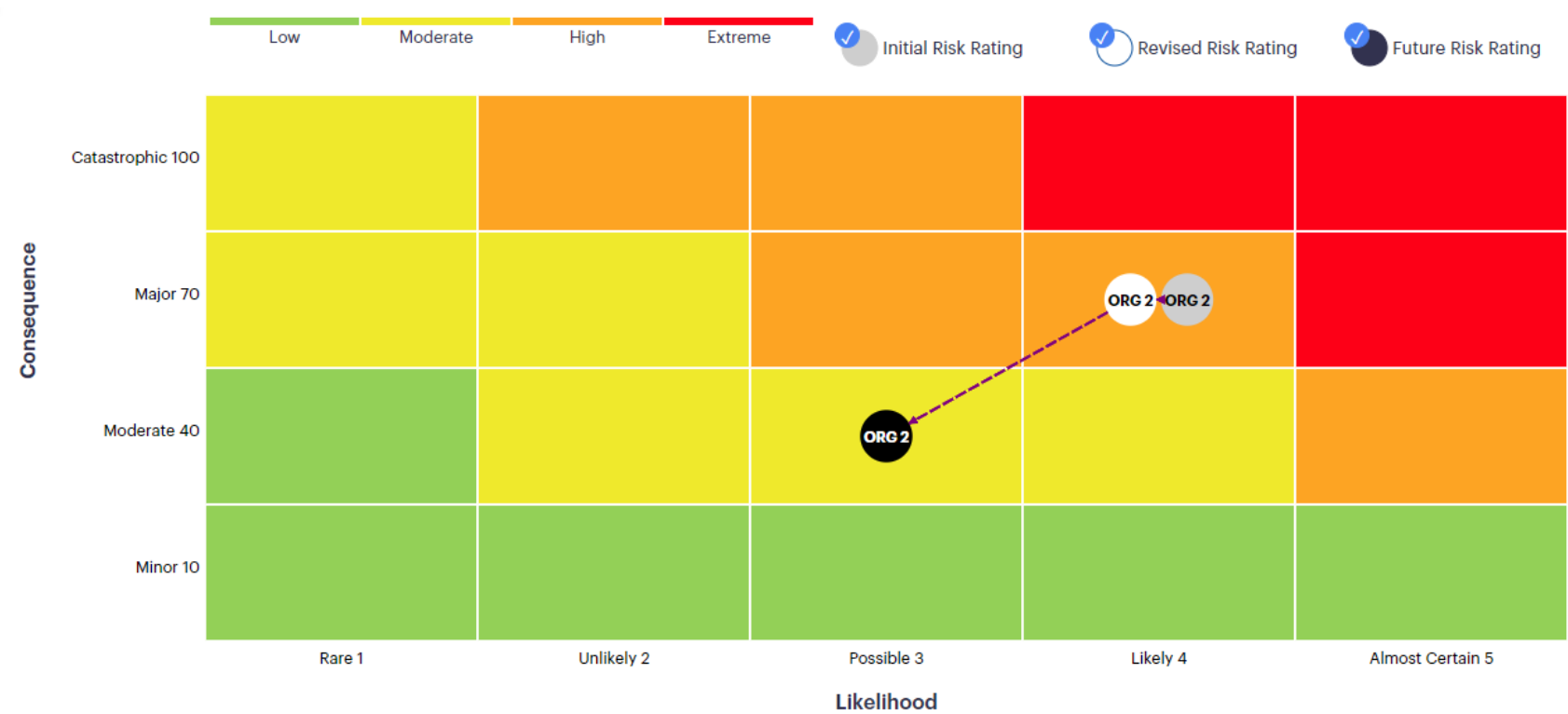
Current Controls

Control Title	Control Owner	Control Effectiveness Rating
Driver Education	Organisational Development Manager	Partially Effective
Asbestos Management Training	Organisational Development Manager	Partially Effective
Employee Assistance Programme for Kapiti staff	Organisational Development Manager	Effective
Consistent use of Health and safety management systems	Organisational Development Manager	Effective
Proactive modelling of good Health & Safety behaviours to promote wellbeing	Organisational Development Manager	Partially Effective
Kapiti staff Health and Safety Committee	Organisational Development Manager	Partially Effective

## Current Risk Treatments

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<a href="#">Continuing the risk-based approach / assessment focus on: asbestos, hazardous substances, contractor management and driving.</a>	Organisational Development Manager	In Progress	55	30 Jun, 2024	 RED
<b>Progress Comment:</b> Work continues on developing and strengthening a risk based approach across the organisational critical H&S risks, including risk assessment and mitigation education (e.g. equipping staff with tools/skills to do their jobs safely and a revised focused format for H&S reports. The asbestos handling SOPs are continuously reviewed and improved and team training is on-going. Revised driver education is under development.					
<a href="#">Psychological well-being: wellbeing initiatives for staff</a>	Organisational Development Manager	In Progress	55	30 Jul, 2024	 GREEN
<b>Progress Comment:</b> Additional resources are now in place to focus on development and implementing a range of wellbeing initiatives. A staff well-being and culture programme is underway with weekly well-being ideas, webinars and peer to peer support initiatives. Two workshops 'leading through change' were delivered early December with good attendance.					
<a href="#">SiteWise H&amp;S pre-qualification for council contractors</a>	Organisational Development Manager	In Progress	95	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> This requirement has now been implemented and 114 contractors have completed the assessment process and have been registered in SiteWise.					
<a href="#">The Health and Safety Committee.</a>	Organisational Development Manager	Ongoing	95	30 Jun, 2024	 N/A
<b>Progress Comment:</b> A new Health and Safety Committee structure has been implemented that includes two SLT members to provide greater opportunities for worker engagement and more regular engagement with the CE and SLT. The committee has launched an education programme on managing aggressive customers on 12 January to support staff thinking and action in these situations. A further education programme that will be rolled out via internal communication channels with a different theme every month.					

ORG 2 - Failure to adequately maintain social licence



## ORG 2

## Failure to adequately maintain social licence

**Risk Categories:** Reputational and Stakeholder Relationship - Reputation, Stakeholder Relationship, Assets & Infrastructure Resilience, Environmental Impact, Legal and Regulatory Compliance

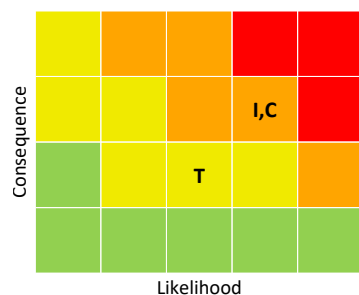
**Risk Sponsor:**  
GM People and Partnerships

**Secondary Risk Sponsor(s):**  
Senior Leadership Team (SLT)

**Last Reviewed Date:** 1  
9 Jan, 2024

**Next Review Date:**  
30 Apr, 2024

## Individual Heatmap



## Effectiveness of control

C Partially Effective

## Causes

- Inconsistent approaches to engagement and collaboration
- Lack of transparency and accountability
- Poor alignment with strategic priorities in decision-making (reports) Poor understanding of and responsiveness to community needs and expectations

## Consequences










- Decision makers lack mandate/confidence to act
- Lack of public confidence in and acceptance of Council decisions and advice
- Project and initiatives requiring community involvement or support take longer and cost more to deliver

## Current Controls

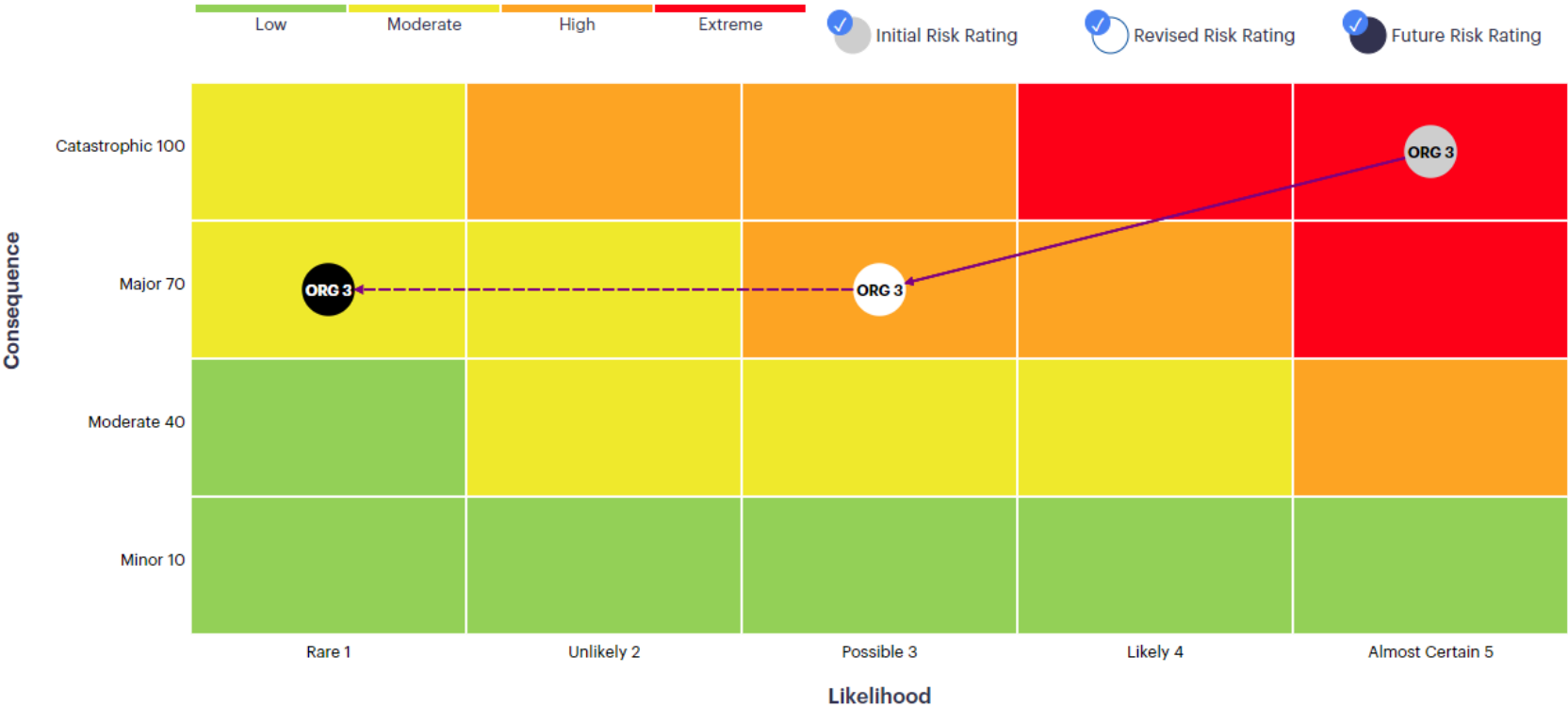
Control Title	Control Owner	Control Effectiveness Rating
Staff and elected members communications on transparency and code of conduct.	GM Iwi Partnerships	Partially Effective
Significance and Engagement Policy	Manager Corporate Planning and Reporting	Partially Effective
Communication and Engagement Strategy	Communications and Engagement Manager	Partially Effective
Residents Opinion Survey	Manager Corporate Planning and Reporting	Partially Effective
Proactive Disclosures Policy	Governance and Legal Services Manager	Partially Effective

## Current Risk Treatments

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<a href="#">Communications and engagement plans for significant Council projects (PMO and other infrastructure teams)</a>	Communications and Engagement Manager	In Progress	60	30 Jun, 2024	GREEN
<b>Progress Comment:</b> No updates at this time - communication plans are in place for the most significant projects that are underway.					
<a href="#">Council briefings are open to the public, live streamed and briefing slides are published.</a>	Governance and Legal Services Manager	In Progress	55	30 Jun, 2024	GREEN
<b>Progress Comment:</b> Fourteen public briefings were held and live streamed in the second quarter of the current financial year.					
<a href="#">Council website continuous improvement programme</a>	Communications and Engagement Manager	In Progress	55	30 Jun, 2024	GREEN

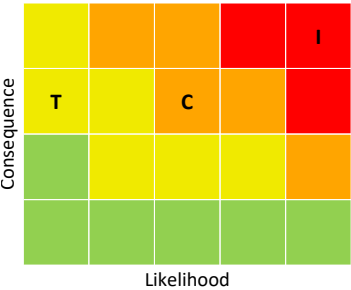
Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<b>Progress Comment:</b> Work to review Council's website information architecture was completed in Q1 and changes will be implemented in Q3. This involved on online survey, and focus groups with residents and elected members. Work to make the information more accessible continuous.					
<a href="#">Extending our communications reach to create opportunities for the public to understand and get involved in decision-making, and help facilitate access to services and facilities.</a>	Communications and Engagement Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> We continue to measure and evaluate our content and communication channels and continue to see steady growth across.					
<a href="#">Implementation and regular review of Communication, Media and Social Media Policy (2021)</a>	Communications and Engagement Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The review of this Policy is planned for completion in June 2024.					
<a href="#">Investing and lifting communications and engagement capability</a>	Communications and Engagement Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> A comms and engagement induction module is under development. Senior comms advisors continue to provide best practice advice, guidance and support to individuals and teams.					
<a href="#">LGOIMA requests and replies are published on the Council website</a>	Governance and Legal Services Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> LGOIMA requests are published on the Council website each quarter or sooner when required. 67 LGOIMA requests were received in Q2.					
<a href="#">Regular Elected Members communications on transparency and EM code of conduct.</a>	Democracy Services Manager	In Progress	10	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Messaging will be embedded in elected members induction programme and will be reinforced through regular elected members updates and communications.					
<a href="#">Regular review of Council's Significance and Engagement Policy</a>	Manager Corporate Planning and Reporting	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Review of the S&E Policy is making good progress. The proposed policy will be presented to Council in on public briefing on 20 February. Public consultation on the reviewed policy is scheduled for March 2024 and adoption for June 2024 alongside the 2024 Long Term Plan.					
<a href="#">Regular staff communications about transparency, accountability and code of conduct.</a>	Communications and Engagement Manager	In Progress	10	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Messaging will be embedded in staff induction programme and reinforced through regular managers updates and all staff communications.					
<a href="#">Resident survey: data on core elements of social licence through quarterly survey questions on trust and transparency.</a>	Manager Corporate Planning and Reporting	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The Q2 survey is complete, with satisfaction for trust and transparency slightly decreased (3%) but with a 51% result equal to satisfaction recorded for Q2 of the 2022/23 year.					
<a href="#">Vision Kapiti engagement programme.</a>	GM Strategy and Growth	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Vision Kapiti is delivered to gage ideas and concerns from the community to inform thinking around where our district is going in the next 30 years. A roving engagement hub was stood up and after Waikanae and Otaki was present in Paraparaumu in November. Flyers were distributed and council staff and council had a presence the Kāpiti Food Fair. The Vision Kapiti Hub is always available online. Through the hub we are canvassing feedback on a range of topics, including council's strategic priorities for the triennium, housing, health, education, tourism, land use planning and employment.					

ORG 3 - Failure to give effect to Te Tiriti and our obligations to Iwi, Hapu and Maori



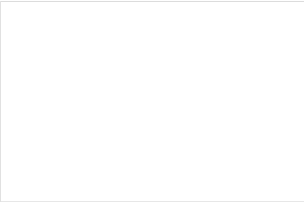
ORG 3 Failure to give effect to Te Tiriti and our obligations to Iwi, Hapu and Maori				
Risk Categories: Reputational and Stakeholder Relationship		Risk Sponsor: GM Iwi Partnerships	Secondary Risk Sponsor(s): Chief Executive	Last Reviewed Date: 23 Jan, 2024
			Next Review Date: 30 Apr, 2024	

Individual Heatmap



- I Initial Risk Assessment
- C Current Risk Assessment
- T Target Risk Assessment

Effectiveness of control	
C	Partially Effective



Causes

- Failure to be a supportive partner to mana whenua iwi during treaty claim and negotiation processes
- Inadequate resourcing of organisation to have appropriate capacity and capability to partner, collaborate and engage
- Inadequate support for resourcing of mana whenua iwi to enable appropriate capacity to partner, collaborate and engage
- Inadequate understanding of obligations to iwi, hapu and maori
- Inadequate understanding of partnership obligations to mana whenua iwi
- Inadequate understanding of Te Tiriti o Waitangi obligations
- Miscommunication or No communication

Consequences



- Deterioration of partnership/s with mana whenua iwi
- Legal consequences
- Reputational damage

Current Controls

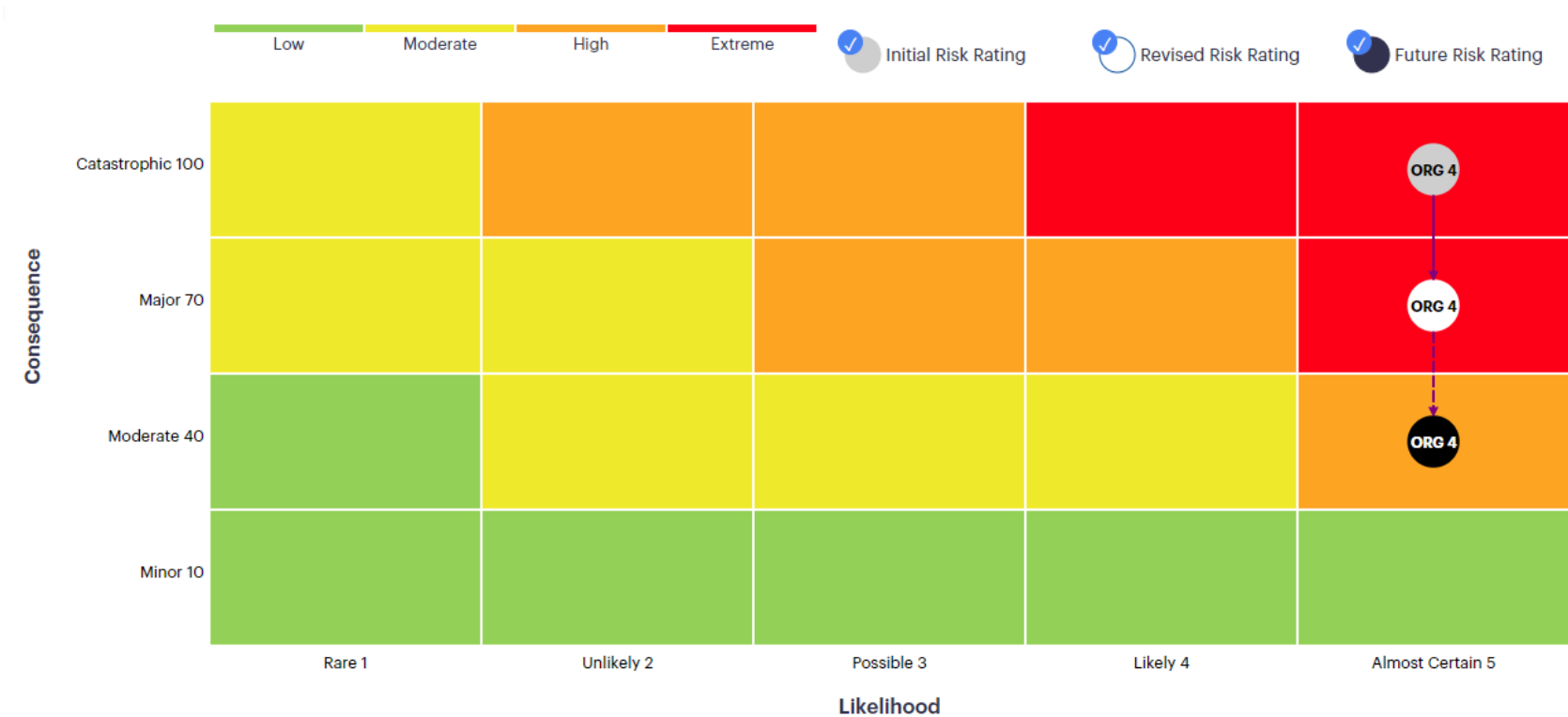
Control Title	Control Owner	Control Effectiveness Rating
Long Term Plan and other strategic and operational plans.	Senior Leadership Team (SLT)	Partially Effective
Mana whenua representation in Council Governance Structure	GM Iwi Partnerships	Effective
Funding for Iwi capacity	GM Iwi Partnerships	Partially Effective
Regular communication between Council and Iwi partners	GM Iwi Partnerships	Partially Effective
Te Whakaminenga o Kapiti work programme	GM Iwi Partnerships	Partially Effective
Staff capability training	Iwi Partnerships Manager	Not Assessed

Current Solutions

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<a href="#">Establish a staff capability development programme on enhancing Te Reo Maori.</a>	GM Iwi Partnerships	In Progress	55	30 Jun, 2024	GREEN

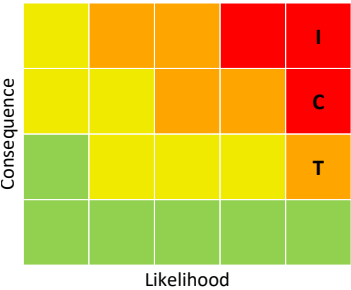
Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<b>Progress Comment:</b> Council has partnered with Education Perfect to deliver an online Te Ao Maori Fundamentals Programme for staff, to be reviewed in 2024. There has been mixed success with the programme, due in part in part to capacity challenges in the Iwi Partnerships Team to enable monitoring and support for participants. Two cohorts have completed the programme with one additional cohorts to complete by mid 2024. Recruitment will enable a dedicated focus on the development an delivery of a long-term staff capability programme.					
<a href="#">Establishing and formalising staff training.</a>	Iwi Partnerships Manager	Not Started	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> The team plans to deliver training to develop and enhance knowledge on Te Tiriti, Council's iwi partnership obligations and how to engage with the Iwi Partnership Team and mana whenua. Work with other teams to formalise this training as part of staff induction and internal training programmes. Once staff has been recruited this work will get underway.					
<a href="#">Establishment of new Iwi Partnerships Group</a>	GM Iwi Partnerships	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The Iwi Partnerships Group has been established with a General Manager and Iwi Partnerships Manager in place. Active steps are being taken to recruit additional capacity for the group.					
<a href="#">Scoping aspirational and funding needs of iwi partners.</a>	Iwi Partnerships Manager	Not Started	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> Recruitment will provide and enable a focus on gathering this information from iwi partners and use it to improve effective work and budget planning to deliver on these needs.					
<a href="#">Work with our mana whenua iwi partners to review the Memorandum of Partnership and Te Whakaminega o Kāpiti terms of reference</a>	GM Iwi Partnerships	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Discussions are ongoing with all three of our Iwi partners specific to the partnership aspirations and needs of each Iwi. The GM Iwi Partnerships has been meeting regularly with Iwi Partners to progress a review of the Memorandum of Partnership and the ToR. The TWOK workprogramme is under review.					

ORG 4 - Inadequate mitigation and adaptation responses to known and future climate change challenges



ORG 4 Inadequate mitigation and adaptation responses to known and future climate change challenges				
Risk Categories: Environmental Impact, Assets & Infrastructure Resilience, Health, Safety and Wellbeing, Reputational and Stakeholder Relationship	Risk Sponsor: GM Strategy and Growth	Secondary Risk Sponsor(s): GM Corporate Services,GM Infrastructure Services,GM Regulatory Services	Last Reviewed Date: 23 Jan, 2024	Next Review Date: 30 Apr, 2024

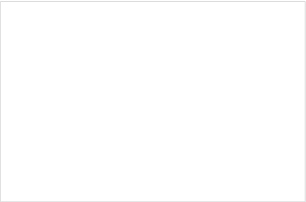
Individual Heatmap



- I Initial Risk Assessment
- C Current Risk Assessment
- T Target Risk Assessment

Effectiveness of control	
C	Partially Effective

Risk Appetite



Causes

- Failure to appropriately consider climate change in growth decisions
- Failure to consider climate change appropriately in BAU activities
- Inadequate consideration in Council strategies and plans
- Misalignment between Council's climate change strategies and operational activities
- Misalignment between national direction and appropriate local responses

Consequences

- Building consents liabilities
- Coastal erosion
- Disruption to core Infrastructure
- Economic development disruption to local businesses and community
- Environmental non-compliances due to discharge
- Property and assets losses/impacts
- Increased capital costs for resilient assets
- Increased wastewater overflow
- Loss of credit rating
- Loss of cultural taonga of significance
- Negative impacts on our resilience
- Reduced quality of land for use
- Reduced quality of wai (rivers, streams and ocean)










Risk Treatment: Take further action to modify impact / likelihood

Current Controls

Control Title	Control Owner	Control Effectiveness Rating	Control Next Review Date
Deliver asset management to make core infrastructure assets resilient to a changing climate.	GM Infrastructure Services	Partially Effective	30 Apr, 2024
Natural Catastrophe Insurance	GM Corporate Services	Effective	30 Apr, 2024
Build climate change thinking, planning and action into all council activities.	Sustainability and Resilience Manager	Effective	30 Apr, 2024
Land Use Planning	District Planning Manager	Partially Effective	30 Apr, 2024
Implement further emissions reduction actions into Council's services delivery	Sustainability and Resilience Manager	Effective	30 Apr, 2024

Current Solutions

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
Carbon footprint and emissions reduction support and education.	Sustainability and Resilience Manager	In Progress	55	30 Jun, 2024	<div><div></div><div></div><div></div></div> GREEN

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<b>Progress Comment:</b> An education role started in January 2023 and council adopted a Climate Action Grants Policy under which the first round of grants for a total of \$100k were approved in August. A new round is planned for March 2024. An internal travel and climate survey was undertaken in July and delivery of internal education programme is now underway. An external campaign is planned for mid 2024.					
<a href="#">Carbon Reduce programme, target setting and support for delivery of carbon emissions projects</a>	Sustainability and Resilience Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> A new organisational target for further emissions reductions by 2032 was set on 29 June. Funding bids for five emissions reduction projects to deliver on the new target have been proposed in draft LTP2024 budgets. The annual carbon audit under the Carbon Reduce programme has been completed with certification expected end January. A work programme for 'value chain' emissions is now underway.					
<a href="#">Climate change projects delivered under the Wellington Region Growth Framework</a>	Sustainability and Resilience Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The Regional Climate Change Impacts Assessment started in June 2022 and is planned to be finalised for Kapiti half 2024. The Regional Emissions Reduction Plan development started in April 2023. the direction of the draft plan was approved by the WR Leadership Committee and will go out for consultation shortly. A new Regional Adaptation Plan is planned to start, with a project-lead being recruited by the WRLC. Through complex development opportunities council is seeking collaboration on emissions reductions through increased public transport.					
<a href="#">Coastal Adaptation Panel (CAP) recommendations to Council</a>	District Planning Manager	In Progress	81	30 Jun, 2024	 AMBER
<b>Progress Comment:</b> The Coastal Advisory Panel have completed their initial community value workshops for the whole district and have commenced their work on options for the Paekākāriki Adaptation area. The project is on track for the CAP's recommendation report to be presented to Council end of May 2024.					
<a href="#">Develop a report on consents where flooding and coastal considerations were part of the decision-making.</a>	Team Leader Resource Consents	Not Started	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> Discussions have started on how to use current systems to develop this report.					
<a href="#">Implement Climate Emergency Action framework</a>	Sustainability and Resilience Manager	In Progress	77	30 Jun, 2024	 AMBER
<b>Progress Comment:</b> Council adopted this framework as part of LTP 2021 and this represents how council is embedding climate change in its activities and decision-making. The third Climate Emergency Action report was provided to elected members and published on the council website to update council and the community on progress on climate actions across activities. Staff continued to work across activities to embed mitigation and adaptation actions and budgets in documents that are being developed for the draft Long Term Plan 2024.					
<a href="#">Infrastructure resilience projects delivery.</a>	Manager, Project Management Office	Ongoing	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> A multi-year stormwater upgrade programme is underway and ongoing to the end of the current 2021 LTP in 2041. The Amohia Stormwater Catchment Upgrade (a project that reduces flooding of 350 houses and started in January 2023 is in the last stage of completion. Two seawall replacements in Paekākāriki and Raumati are planned for the LTP 2024 and LPT 2027 period (next 10 years).					
<a href="#">Introduce a Climate Strategy</a>	Strategy Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The Climate Change and Resilience Community Think Tank was established and has met twice. A Direction of Travel document has been drafted and the SOF Committee has set a district-wide emissions reduction target in December 2023. The DoT document is being finalised for public consultation in March/April.					
<a href="#">Progress coastal district plan change</a>	District Planning Manager	Not Started	0	31 Dec, 2026	 N/A
<b>Progress Comment:</b> The recommendation from CAP, if adopted, will inform the district plan change and other associated actions.					
<a href="#">Progress flood risk plan change.</a>	District Planning Manager	Not Started	0	31 Dec, 2025	 N/A

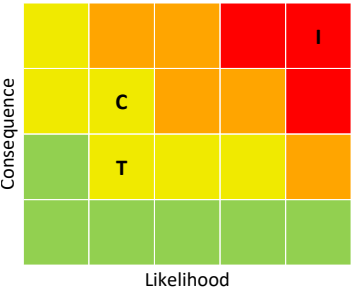
Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
Progress Comment: This work has not started as it depends on the flood mapping work underway (refer to infrastructure stormwater and inland flooding project).					

ORG 5 - Failure to achieve legislative obligations

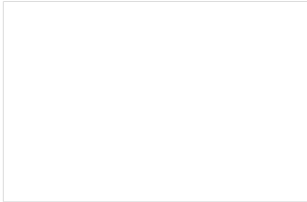


ORG 5 Failure to achieve legislative obligations				
Risk Categories: Legal and Regulatory Compliance, Reputational and Stakeholder Relationship		Risk Sponsor: GM Regulatory Services	Secondary Risk Sponsor(s): GM Corporate Services, GM Infrastructure Services, GM People and Partnerships, GM Strategy and Growth	Last Reviewed Date: 23 Jan, 2024
				Next Review Date: 30 Apr, 2024

Individual Heatmap



Effectiveness of control	
C	Partially Effective



Causes

- Breach of internal policy or procedure
- Failure to provide or maintain safe infrastructure
- Insufficient analysis of available data
- Insufficient resourcing
- Misaligned policies
- Miscommunication or No communication
- Political decisions made against professional advice
- Political influence in operational matters
- Staff applying legislation incorrectly
- Staff providing incorrect advice to Council

Consequences

- Community impact
- Public safety impacted negatively
- Council liability
- Environmental impact
- Failed infrastructure
- Failure to adopt LTP / Annual Plans
- Financial exposure
- Legal consequences
- Loss of IANZ accreditation
- Loss of public confidence
- Loss of skilled and specialist staff
- Loss of staff due disciplinary action or termination
- Non-compliance with regulatory and legislative obligations
- Poor decision making
- Regulatory infringement
- Reputational damage










Current Controls


Control Title	Control Owner	Control Effectiveness Rating
Compliance with Local Government Act 2002 and all other relevant legislation	Senior Leadership Team (SLT)	Effective
Compliance with statutory standards and associated Annual Reports	GM Regulatory Services	Effective
Compliance Reports on sanitary services to Taumata Arowai.	GM Infrastructure Services	Effective
Advice available from external legal service providers	Governance and Legal Services Manager	Partially Effective
Internal legal counsel services	Governance and Legal Services Manager	Partially Effective
Monitoring policy/legislative change announcements	Principal Advisor Regulatory Services	Effective
Implement District Plan and other relevant legislation	District Planning Manager	Partially Effective

## Current Controls

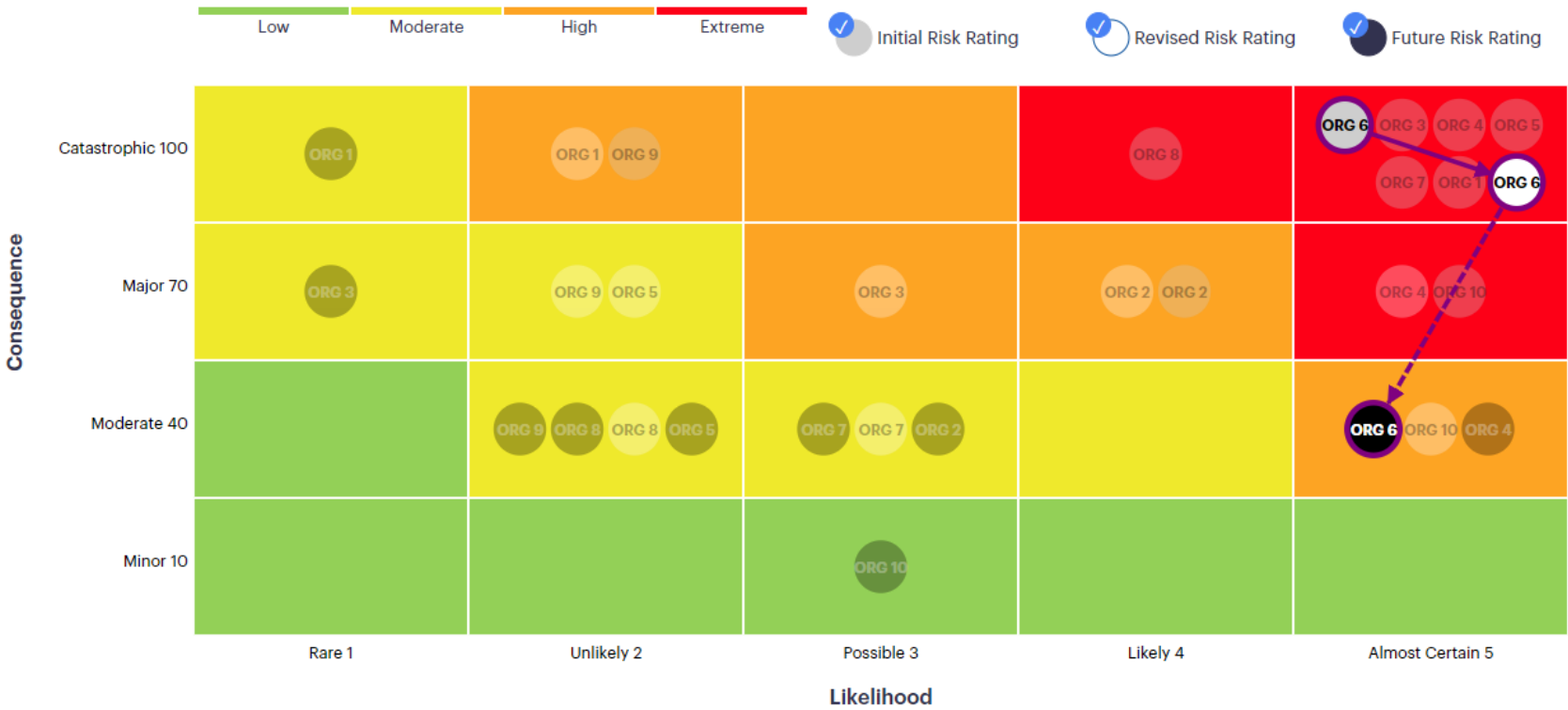
Control Title	Control Owner	Control Effectiveness Rating
Maintain building consent authority International Accreditation New Zealand (IANZ)	Building Team Manager	Effective

## Current Risk Treatments

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<a href="#">Audit process to gain certification</a>	Building Team Manager	Completed	100	01 Dec, 2023	 GREEN
<b>Progress Comment:</b> The audit process is overseen by a Steering Group of council staff and is part of a continuous improvement and review process for accreditation that takes place every two years. The IANZ audit was successfully completed in November 2023 and Council continuous to be accredited.					
<a href="#">Better analysis of compliance inspections and reporting</a>	GM Regulatory Services	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> We continue work to make better strategic use of business systems data to report on the effectiveness of Council's legislative outcomes. Managers provide detailed reporting on inspections and actions for consideration as part of this process.					
<a href="#">Legal services are provided across the business.</a>	Governance and Legal Services Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> A Legal Strategy has been approved by SLT in Q1 to inform optimal legal service required by Council staff.					
<a href="#">Quarterly legislative compliance survey</a>	Governance and Legal Services Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> This survey is sent to tier 3 and 4 managers who are directly responsible for meeting legislative requirements for their services delivery. SLT complete a legislative compliance declaration based on the completed survey outcomes every quarter.					
<a href="#">Regulatory Services monthly reporting (internal efficiency and effectiveness)</a>	GM Regulatory Services	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> This is an ongoing BAU task completed within Regulatory Services monthly by activity managers. This report is shared with SLT and councillors. For example, it reports on number of requests for further information and failed building inspections.					
<a href="#">Review of regulatory information for consenting processes on the Council website</a>	Principal Advisor Regulatory Services	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> A project is underway to improve this information on the Council website. After two rounds of community and staff testing, a more customer-focussed structure was established which should enable customers to find and access the consenting information they need more easily. This new structure is included into the project that is currently underway to improve the navigation structure of the whole Council website, led by the Content and Channels team.					
<a href="#">Reviews of Quality Assurance Systems (QAS) for IANZ accreditation, resource consents and environmental standards.</a>	Building Team Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> This is an ongoing requirement for the IANZ accreditation in the BCA area. Continuous quality and improvement reviews are now embedded as part of regulatory services delivery.					
<a href="#">Sanitary services assessments to Taumata Arowai.</a>	Manager, Water & Wastewater Services	In Progress	65	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The Water Supply Drinking water assessment was provided to Taumata Arowai in July 2023. The other sanitary services assessments will be provided during this financial year, alongside Long Term Plan 2024 development.					
<a href="#">SLT oversight of Asset Management Plans and work programmes</a>	Senior Leadership Team (SLT)	In Progress	55	30 Jun, 2024	 GREEN

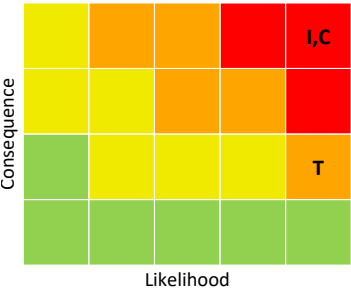
Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<b>Progress Comment:</b> Asset Management Plans are under review as part of the development of the Long Term Plan 2024 and will be updated in accordance with legislative changes and requirements. Compliance with consents for activity delivery is part of activity and asset management.					
Training and workshops to ensure that (new) legislative requirements are well understood for decision-making and applications.	Principal Advisor Regulatory Services	In Progress	55	30 Apr, 2024	 AMBER
<b>Progress Comment:</b> 24 staff completed the general compliance training programme in 2023 and 12 staff are planned to start their training in 2024. This training takes place over a 6-8 month period and is part of professional development for regulatory staff. Throughout the year stakeholder forums are delivered for planning consultants, with one on Natural Hazards planned for 26 March.					

ORG 6 - Inadequate management of the impacts of central government reform/change



<b>ORG 6    Inadequate management of the impacts of central government reform/change</b>				
<b>Risk Categories:</b> Legal and Regulatory Compliance, Environmental Impact, Financial Exposure, Reputational and Stakeholder Relationship	<b>Risk Sponsor:</b> GM Strategy and Growth	<b>Secondary Risk Sponsor(s):</b> GM Infrastructure Services, GM People and Partnersh, GM Place and Space (Acting), GM Regulatory Services	<b>Last Reviewed Date:</b> 19 Jan, 2024	<b>Next Review Date:</b> 30 Apr, 2024

individual Heatmap



Effectiveness of control	
C	Partially Effective

Causes

- Change in Government direction
- Inadequate regulatory impact statements affecting local government
- Government intervention
- Government timeframes for local government engagement

Consequences



- Organisational change
- Delays to work programmes
- Do-ability challenges in implementing national directive
- Financial exposure
- Increased costs
- Reprioritisation
- Reputational damage

Current Controls

Control Title	Control Owner	Control Effectiveness Rating
Monitoring policy and legislative announcements to respond and prepare for change.	Chief Advisor & Manager Research and Policy	Effective
Raising issues of concern for our community through formal processes	Chief Advisor & Manager Research and Policy	Effective
Engage in regional and national forums and projects to scan opportunities and influence decision-making.	Chief Advisor & Manager Research and Policy	Partially Effective

Current Risk Treatments

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<a href="#">Actively engaging with DIA to monitor and progress steps required for water reforms.</a>	GM Infrastructure Services	In Progress	55	30 Jun, 2024	GREEN
<b>Progress Comment:</b> Council is keeping a watching brief on actions in the next 12 months to 2 years on Local Water Done Well decision-making from the new government. Decision-making will likely be part of the city/regional deals that the new government is developing.					
<a href="#">Consider, assess and manage implications of health reform for Kāpiti district.</a>	Strategy Manager	In Progress	55	30 Jun, 2024	GREEN

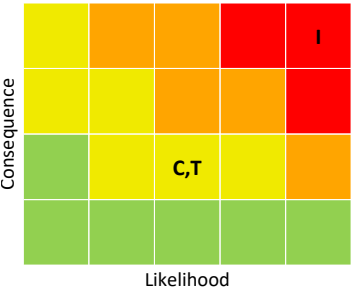
Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<b>Progress Comment:</b> A Health Strategy is being drafted to outline how Council will support addressing the implications of health reform for Kāpiti as a locality, and existing/growing health services gaps. Legislation requires local authorities to be consulted in the locality discussion for health services. We are working with the health sector and with the Kāpiti Health Advisory Group. This Group has been re-established and the TOR of have been approved by the Strategy, Operations and Finance Committee.					
Identify short to medium term high impact legislative changes to include budgets in Long Term Plans	Chief Financial Officer	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Announced changes in waste minimisation legislation and the financial impacts of this has been included in draft Long Term Plan 2024 budgets.					
Regional and national collaboration and knowledge sharing	Chief Advisor & Manager Research and Policy	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Progressively targeting engagement with central government and regional government. Recruitment in the Strategy & Growth Group will enable further delivery of this work-programme.					
Reviewing current settings to identify the potential implications of national direction and RMA amendments for district planning and growth	District Planning Manager	Ongoing	0	30 Jun, 2027	 N/A
<b>Progress Comment:</b> The timeframes for introduction of new legislation to replace the repealed Acts and possible new or changed National Policy Statements is unknown. When published, staff will analyse the new replacement RMA legislation and will prepare a submission. Consultation on the Wellington Region Future Development Strategy has closed in November and a hearing is planned early in 2024.					
Scenario planning that will inform our short, medium and long term direction (includes input to LTP)	Strategy Manager	Not Started	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> Councillors have agreed that developing scenarios will be part of the Vision Kapiti development. We will start pathways development in the new year.					

ORG 7 - Inadequate safeguards against cyber security threats



ORG 7 Inadequate safeguards against cyber security threats			
Risk Categories: Information and Data Management, Financial Exposure, IT Systems and Processes, Reputational and Stakeholder Relationship		Risk Sponsor: GM Corporate Services	<div>Last Reviewed Date: 23 Jan, 2024</div> <div>Next Review Date: 30 Apr, 2024</div>

Individual Heatmap



Causes

- Data breach
- Denial of service
- Inappropriate use
- Malicious code
- Phishing attack
- Poor physical security
- Ransomware
- Supplier being breached
- Unauthorised access
- Unpatched systems
- Zero-day attacks






Consequences

- Financial exposure
- Information leakage
- Legal consequences
- Privacy breaches
- Reputational damage
- Service disruption
- Theft of information

Current Controls

Control Title	Control Owner	Control Effectiveness Rating
Cyber Security Awareness Training	Chief Information Officer	Effective
Security Incident Management System	Information Technology Manager	Effective
Annual independent cyber security audit	Chief Information Officer	Effective
Software security patches	Chief Information Officer	Effective
User Security Permissions	Chief Information Officer	Effective
Proactive monitoring of cyber security threats	Information Technology Manager	Effective

Current Risk Treatments

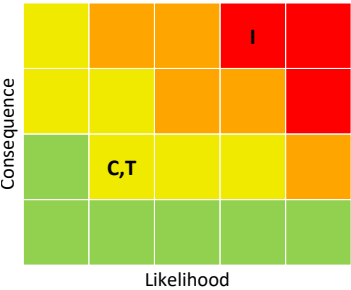
Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
Develop and run training on cyber security awareness	Chief Information Officer	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Staff training is scheduled throughout the year and incorporating training for elected members is being investigated.					
Implement Managed Security Information Event Management (SIEM) for proactive monitoring of cyber security threats	Information Technology Manager	Ongoing	55	30 Jun, 2024	 N/A
<b>Progress Comment:</b> Implementation BAU					
Monthly updates for software patches for servers and laptops	Information Technology Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> on track					
Quarterly testing of IT team response to cyber threats	Information Technology Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Internal audit of response processes continues					
Rapid implementation of cyber security independent audit action recommendations	Chief Information Officer	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The annual audit took place in October 2023, there were no critical recommendations from the audit. We are implementing the higher ranked actions at the moment, for example looking at setting of passwords.					

ORG 8 - Failure to prudently manage Council’s financial stability including fraudulent activity



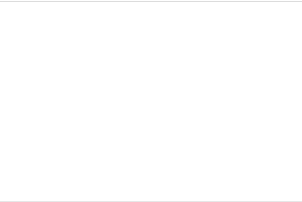
ORG 8 Failure to prudently manage Council’s financial stability including fraudulent activity			
Risk Categories: Financial Exposure, Reputational and Stakeholder Relationship		Risk Sponsor: GM Corporate Services	<div>Last Reviewed Date: 23 Jan, 2024</div> <div>Next Review Date: 30 Apr, 2024</div>

Individual Heatmap



- I Initial Risk Assessment
- C Current Risk Assessment
- T Target Risk Assessment

Effectiveness of control	
C	Effective



Causes

- Cyber security attack
- Decreased revenue
- Inadequate financial controls
- Increased insurance premiums
- Inflation
- Lack of process controls
- Major government policy changes
- Rising costs

Consequences

- Delays to work programmes
- Failure to meet legislative and statutory obligations
- Financial losses
- Legal consequences
- Reputational damage
- Service disruption







Current Controls

Control Title	Control Owner	Control Effectiveness Rating
Employee screening	Organisational Development Manager	Effective
Enterprise Risk Management	Business Improvement Manager	Effective
Fraud awareness training	Chief Financial Officer	Partially Effective
Mitigation of Fraud Policy	GM Corporate Services	Partially Effective
Internal Audit work programme	Business Improvement Manager	Effective
Protected Disclosures Policy	Governance and Legal Services Manager	Effective
Financial External Audits	Chief Financial Officer	Effective
Financial Internal Audits	Chief Financial Officer	Effective
Financial management awareness training	GM Corporate Services	Effective
Financial reporting	Chief Financial Officer	Effective

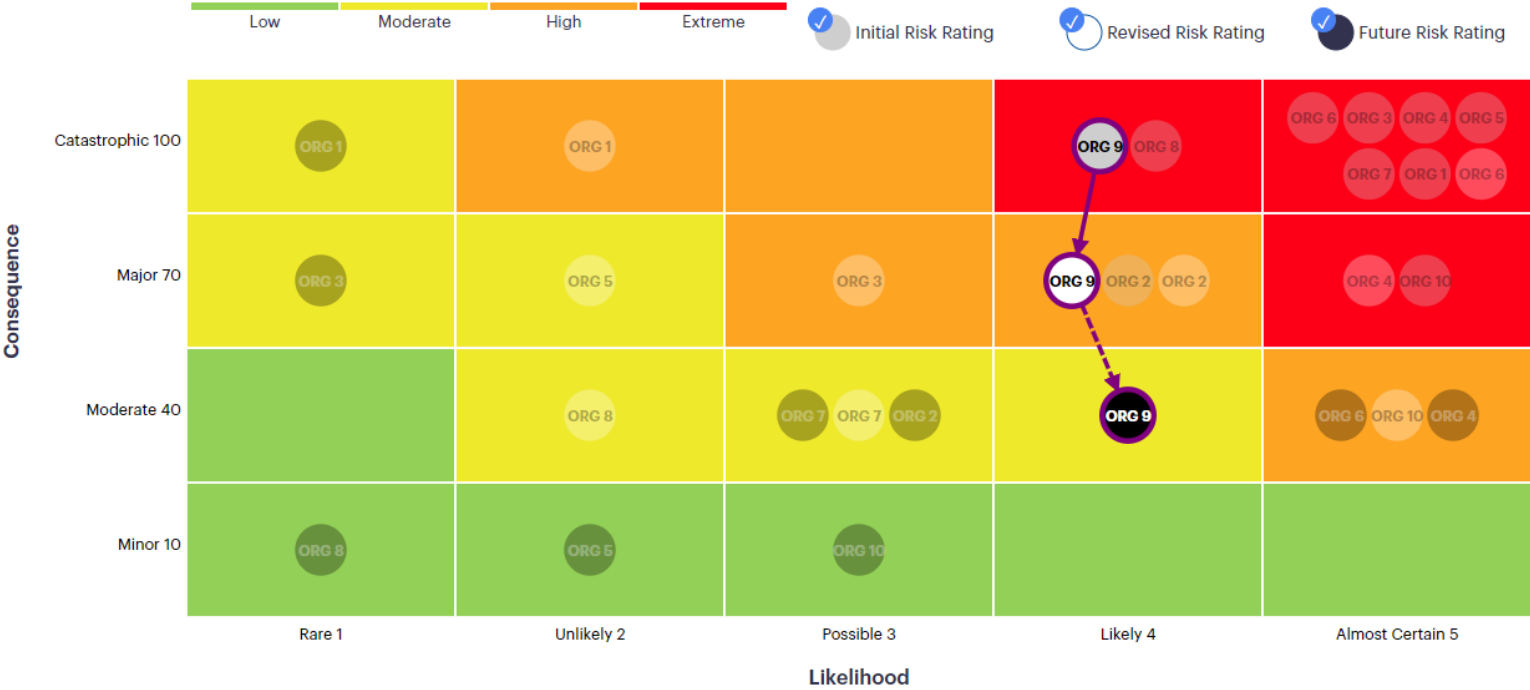
## Current Controls

Control Title	Control Owner	Control Effectiveness Rating	Control Next Review Date
Financial Strategy	GM Corporate Services	Partially Effective	30 Apr, 2024
Procurement Policy and Manual	Procurement Lead	Partially Effective	28 Oct, 2022
Insurance and re-insurance of Council assets	GM Corporate Services	Effective	30 Apr, 2024
Staff membership to the SFO Local Government Counter Fraud Community of Practice	GM Corporate Services	Not Assessed	09 Feb, 2024
Code of conduct	Senior Leadership Team (SLT)	Partially Effective	30 Apr, 2024
Council's Long-Term Plans and Annual Plans	Senior Leadership Team (SLT)	Effective	30 Apr, 2024

## Current Solutions

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
Annual review of Conflicts of Interest (COI) register	Business Improvement Manager	Not Started	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> This review is to ensure that all conflicts are correctly defined, management plans are appropriate and independent oversight.					
Mitigation of Fraud Policy Internal Audit	Business Improvement Manager	Completed	100	31 Dec, 2023	 GREEN
<b>Progress Comment:</b> Completed.					
Pre-employment screening and employee screening when change in roles	Organisational Development Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> From October to end of December 33 Ministry of Justice background checks were undertaken with no concerns reported so far (3 are still in progress). All Council employment agreements contain provision for termination of employment or withdrawal of an offer if a background check result is not to the satisfaction of the Council.					
Procurement Policy and Framework to achieve fair and transparent procurement as part of services delivery.	GM Corporate Services	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The procurement framework has been reviewed and change recommendations are being implemented.					
Promote staff awareness and understanding of the fraud mitigation policy, the protected disclosures policy and the Code of Conduct	Chief Financial Officer	Not Started	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> A planning day will take place in March where training opportunities and promotion programme will be discussed.					
Regularly review relevant corporate policies	GM Corporate Services	Ongoing	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> Ongoing as part of BAU; the General Expenses Policy was reviewed in July 2023, the Koha Policy draft review is complete and for approval with GM.					

ORG 9 - Failure to maintain business continuity for our essential services and inadequate planning and preparedness for emergencies



ORG 9

Failure to maintain business continuity for essential services and inadequate planning and preparedness for emergencies.

Risk Categories: Assets & Infrastructure Resilience, Financial Exposure, Health, Safety and Wellbeing, IT Systems and Processes, Legal and Regulatory Compliance, Reputational and Stakeholder Relationship

Risk Sponsor: GM Infrastructure Services

Secondary Risk Sponsor(s): GM Corporate Services, GM Regulatory Services

Last Reviewed Date: 23 Jan, 2024

Next Review Date: 30 Apr, 2024

Individual Heatmap

Consequence

I

C

T

Likelihood

I Initial Risk Assessment

C Current Risk Assessment

T Target Risk Assessment

Effectiveness of control

C Partially Effective

Causes

- Civil Defence Emergency
- Cyber security attack
- Data breach
- Earthquakes
- Fire
- Flooding
- Natural catastrophe
- Network failure
- Pandemics

Consequences

- Homelessness
- Negative impact on Council and community resilience
- Public/staff harm
- Legal implications
- Customer dissatisfaction
- Failure to meet statutory requirements
- Delays to work programmes
- Disruption to core Infrastructure
- Failure to achieve business objectives
- Financial exposure
- Reputational damage
- Service disruption











Current Controls

Control Title	Control Owner	Control Effectiveness Rating
Asset Management Plans	Senior Leadership Team (SLT)	Partially Effective
Pandemic plan	Organisational Development Manager	Effective
Audit operational readiness of the organisation	Business Improvement Manager	Effective
Business Continuity Plans	Senior Leadership Team (SLT)	Partially Effective
Ensure up to date and fit for purpose Response Plans are in place.	Sustainability and Resilience Manager	Partially Effective
Continued Community Resilience Education Programmes delivered by in Kapiti by WREMO.	Sustainability and Resilience Manager	Partially Effective
Resourcing, training and integration with WREMO and use of the CIMS model.	Sustainability and Resilience Manager	Partially Effective
Sufficient emergency management staffing levels to provide better preparedness, response and recovery.	Sustainability and Resilience Manager	Partially Effective

Item 8.2 - Appendix 1

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## Current Risk Treatments

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<b>Analysis of emergency events that have occurred to apply learnings locally.</b>	Sustainability and Resilience Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Deployed staff to out of district emergencies have shared their observations and lessons with EOC staff and SLT. Continue to promote deployments to assist in emergencies and share lessons. Review and discuss various review reports and promote discussion about improvements at function managers meetings and controllers link-ups.					
<b>Asset Management Planning and investing in resilient infrastructure.</b>	Senior Leadership Team (SLT)	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Asset Management plans are reviewed every three years as part of Long Term Plan (budget) development, taking into account key information. Improvement plans form part of Asset Management Plans and are reviewed more frequently.					
<b>Council wide rolling review of BCP's</b>	Senior Leadership Team (SLT)	Ongoing	0	30 Jun, 2024	 N/A
<b>Progress Comment:</b> Inventory of existing BCPs and gaps analysis has started.					
<b>Development of more comprehensive recovery planning.</b>	GM Strategy and Growth	In Progress	55	01 Oct, 2024	 GREEN
<b>Progress Comment:</b> Recent natural hazard events highlighted that development of a more comprehensive recovery plan is required. Work is underway with WREMO to develop a recovery programme, including a virtual recovery office approach. We are working with WREMO, Police, Health, MSD and education and have established regular meetings.					
<b>Kāpiti Local Emergency Response Plan development and implemetation.</b>	Sustainability and Resilience Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> The draft Local Response Plan for Kāpiti will be finalised in the next 2 months and socialised with EOC Function Managers. The final plan will be approved by SLT and will be reviewed every 5 years. A local Emergency Drinking Water Plan is under development.					
<b>Mandatory emergency management foundations training for all staff.</b>	Sustainability and Resilience Manager	In Progress	10	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> SLT approved this approach in November 2023. Implementation plan has been developed starting with EOC and EAC foundation training sessions from March 2024.					
<b>Professionalise EOC structure in order to build and retain capacity and capability.</b>	Sustainability and Resilience Manager	In Progress	10	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Progression pathways have been developed to offer advancement through the various levels within the EOC (from Function Staff to Local Controller). Remuneration framework has been endorsed by SLT as a priority for the draft LTP2024 budget. Remuneration recognises the critical role of this workforce, incentivises advancement through training and provides recognition.					
<b>Regular testing and practice of BCP activation to ensure BCP and back-up systems for business functions are fit for purpose.</b>	Senior Leadership Team (SLT)	Ongoing	0	31 Dec, 2025	 N/A
<b>Progress Comment:</b> Each Activity Manager and BCP owner needs to plan for regular testing and practice. This will be tested and reviewed through the rolling BCP review.					
<b>Review and update Infrastructure BCP's</b>	GM Infrastructure Services	In Progress	40	30 Jun, 2024	 AMBER
<b>Progress Comment:</b> Some review work has started; a Waste Water PCB review is in progress. The Property PCB is in draft ready for practice. A full review and update of all Infrastructure BCPs is planned to be finalised by 30 June.					
<b>Work programme to enhance inter-agency collaboration locally (KESCC) and joint operational readiness</b>	Sustainability and Resilience Manager	In Progress	55	30 Jun, 2024	 GREEN

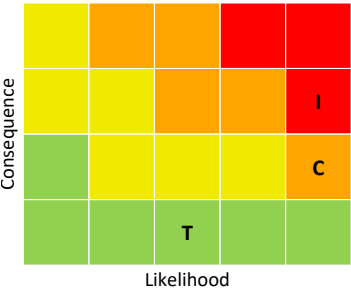
Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<b>Progress Comment:</b> A local Severe Weather Management Team based of the Kapiti Emergency Services Coordination Committee) was established as part of the integrated readiness approach. Other agencies take part in Council's EOC exercises and this programme is working towards an inter-agency exercise in 2025.					

ORG 10 - Inability to attract and retain sufficient capacity to deliver Council’s objectives



ORG 10 Inability to attract and retain sufficient capacity to deliver Council’s objectives				
Risk Categories: Health, Safety and Wellbeing		Risk Sponsor: Organisational Development Manager	Secondary Risk Sponsor(s): Senior Leadership Team (SLT)	Last Reviewed Date: 23 Jan, 2024
			Next Review Date: 30 Apr, 2024	

individual Heatmap



Causes

- Competitive market
- Increased workload expectations
- Inflation
- Limited opportunities for career progression
- Significant family or life event





Consequences

- Corporate loss of institutional and intellectual knowledge
- Decreased staff welfare and mental health
- Delays to work programmes
- Failure to meet legislative and statutory obligations
- Increased costs
- Loss of skilled and specialist staff
- Lowering of staff morale
- Reputational damage

Current Controls

Control Title	Control Owner	Control Effectiveness Rating
Engaging Contractors / Consultants to backfill vacancies	Organisational Development Manager	Partially Effective
Monitoring job grade & remuneration policy	Organisational Development Manager	Partially Effective
Monitoring Remuneration trends	Organisational Development Manager	Effective
Professional development opportunities	Organisational Development Manager	Partially Effective
Regular staff engagement surveys and associated work programmes	Organisational Development Manager	Partially Effective
Workforce and Succession Planning	Organisational Development Manager	Partially Effective
Reprioritisation of Work Programmes	Senior Leadership Team (SLT)	Partially Effective

Current Risk Treatments

Risk Treatment Title	Responsible Officer	Treatment Status	% Completed	End Date	Performance
<a href="#">Annual remuneration process</a>	Organisational Development Manager	In Progress	90	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> This review includes trends across the sector and work is underway to review remuneration bands across different job groupings					
<a href="#">Continuous review on ways to maintain an effective workforce</a>	Organisational Development Manager	In Progress	60	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Highly competitive recruitment market and shortage of skilled workers is leaving some areas understaffed. Timelines set by government have increased worker demand in some areas with consultants also working at capacity. To enable us to be best positioned in the event of future pandemic/emergency situations that could impact our ability to 'business as usual' we are undertaking a more robust continuous improvement approach to the policies and processes for managing staff absences to enable continuity in key delivery areas. A review of essential services BCP planning is underway.					
<a href="#">Staff engagement</a>	Organisational Development Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Staff engagement is measured through annual Gallup Staff Engagement survey and ongoing pulse surveys. Various actions building on the outcomes of the survey are underway such as the use of the Clifton Strengths tool and availability of team workshops, the development of the People & Culture Strategy that builds on themes like development/learning. Regular People Leader and Activity Manager hui have commenced to support furthering collaboration and communication across council teams and work programmes.					
<a href="#">Workforce and Succession Planning</a>	Organisational Development Manager	In Progress	55	30 Jun, 2024	 GREEN
<b>Progress Comment:</b> Workplace and succession planning is a work in progress to enable retaining staff capability. We have developed and commenced implementation of career pathway models for technical and specialist areas. Leadership training is offered to staff as part of implementation of the People and Culture Strategy and this is being further developed and extended. Regular People Leader and Activity Manager hui have commenced to support furthering collaboration and communication across council teams and work programmes.					

## 5. Definitions (ISO 31000:2018)

Term	Definition
<b>Risk</b>	The effect of uncertainty on achieving objectives. It can be positive, negative or both, and can create or result in opportunities and threats.
<b>Risk Appetite</b>	The amount of risk that Council is willing to pursue or retain to achieve its objectives.
<b>Risk Assessment</b>	The overall process of risk identification, risk analysis and risk evaluation.
<b>Risk Tolerance</b>	The threshold levels of risk exposure that, with appropriate approvals can be exceeded but when exceeded will trigger some form of response.
<b>Risk Management</b>	Coordinated activities to direct and control Councils uncertainties in relation to achieving objectives.
<b>Risk Management Capability</b>	The culture, practices, experience and application of risk management within Council.
<b>Risk Management Guidance</b>	A structured approach to identify, monitor and manage risk.
<b>Risk Register</b>	A record of information about identified risks and how they are being managed. There are three different types of registers, Strategic, Operational (Group) and Projects.
<b>Initial Risk Rating</b>	The current risk level without taking into consideration existing control measures.
<b>Current Risk Rating</b>	The current risk level taking into consideration existing risk controls.
<b>Consequence</b>	The outcome of an event which affects Council achieving its objectives.
<b>Likelihood</b>	The chance of something occurring.
<b>Control</b>	A measure that maintains and / or modifies the current risk rating.

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### 8.3 QUARTERLY TREASURY COMPLIANCE

Kaituhi | Author: **Jing Zhou, Chief Financial Officer**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

#### TE PŪTAKE | PURPOSE

- 1 This report provides confirmation to the Risk and Assurance Committee of the Council's compliance with its Treasury Management Policy (Policy) for the quarter ended 31 December 2023.

#### HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 This is not required for this report.

#### TE TUKU HAE PAPA | DELEGATION

- 3 The Risk and Assurance Committee (Committee) has the delegation to consider this matter under the section of Part C.3 of the Governance Structure and Delegations 2022-2025 Triennium which states: "*This committee is responsible for monitoring the Council's financial management, financial reporting mechanisms and framework, and risk and assurance function, ensuring the existence of sound internal systems.*"

#### TAUNAKITANGA | RECOMMENDATIONS

- A. That the Risk and Assurance Committee notes the Council's full compliance with its Treasury Management Policy for the three months ended 31 December 2023.

#### TŪĀPAPA | BACKGROUND

- 4 The Policy sets out a framework for the Council to manage its borrowing and investment activities in accordance with the Council's objectives and incorporates legislative requirements.
- 5 The Policy mandates regular treasury reporting to management, the Strategy, Operations and Finance Committee, as well as quarterly compliance reporting to the Risk and Assurance Committee.
- 6 To assess the effectiveness of the Council's treasury management activities and compliance to the Policy, certain performance measures and parameters have been prescribed. These are:
  - cash/debt position;
  - liquidity/funding control limits;
  - interest rate risk control limits;
  - counterparty credit risk;
  - specific borrowing limits; and
  - risk management performance.

**HE KÖRERORERO | DISCUSSION****Cash/Debt Position**

- 7 Table 1 below shows the Council's net debt position as at 31 December 2023 against the 2023/24 full year budget and the prior year closing balance.

<b>Table 1</b>	<b>December YTD Actual</b>	<b>Full Year Budget</b>	<b>Prior year 2022/23</b>
	<b>\$000's</b>	<b>\$000's</b>	<b>\$000's</b>
External debt	305,000	315,000	275,000
/less borrower notes	(6,995)	(7,335)	(6,110)
/less Term Deposits	(60,000)	(60,000)	(55,000)
/less cash	(17,168)	(7,875)	(14,084)
<b>Net debt</b>	<b>220,837</b>	<b>239,790</b>	<b>199,806</b>

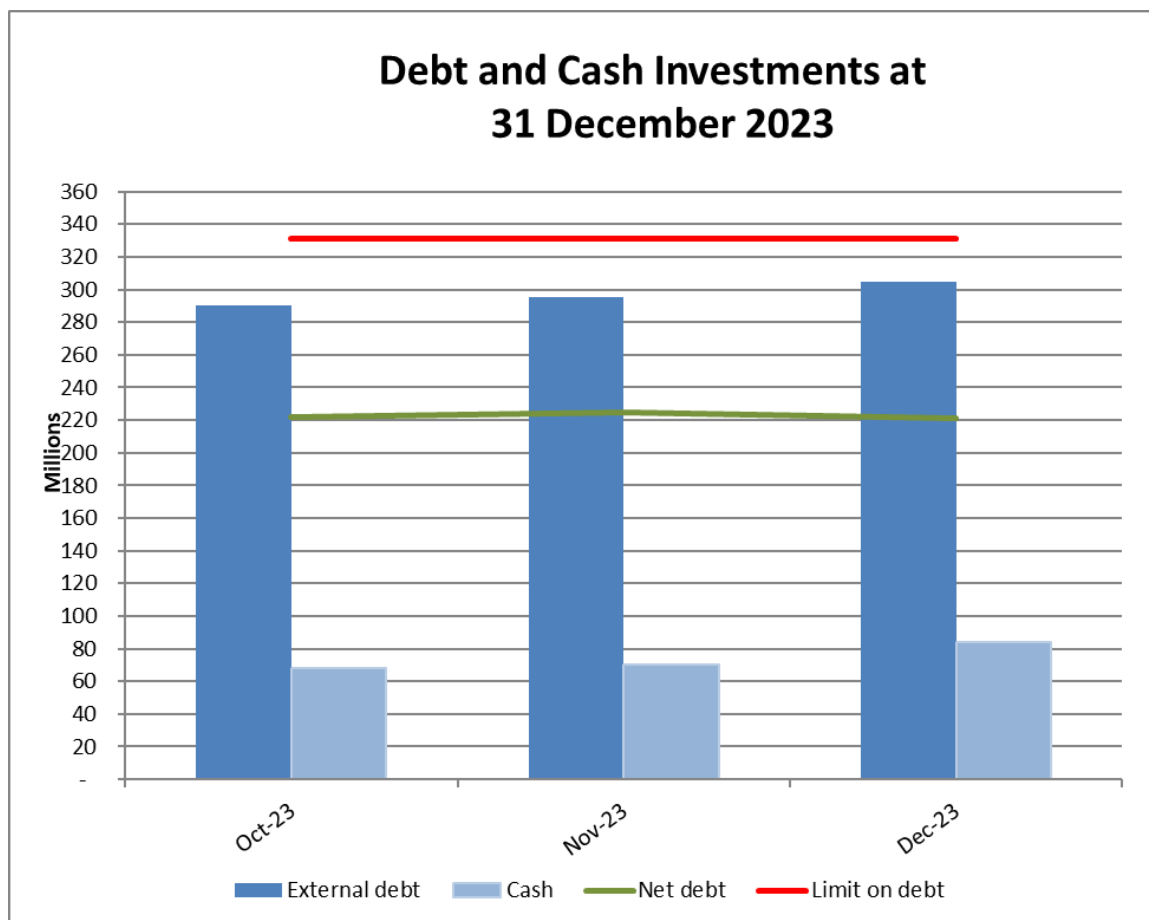
- 8 During the past three months, the Council has issued \$30million of new debt. This was used to pre-fund the October 2024 debt maturity (\$10million), and 2023/2024 capex programme costs (\$20million).
- 9 The table below shows (a) the movement in the Council's external debt balance, (b) the movement in the Council's pre-funding programme by debt maturity and (c), that part of the Council's CAPEX programme funded by new borrowings for the three months ended 31 December 2023.

<b>Borrowings</b>	<b>Gross borrowings \$000</b>	<b>Pre-funding</b>				<b>CAPEX</b>
		<b>TD Oct 2023 \$000</b>	<b>TD May 2024 \$000</b>	<b>TD Oct 2024 \$000</b>	<b>Total Prefunding \$000</b>	<b>Capex programme \$000</b>
Opening balance 1 July	275,000	25,000	30,000	-	55,000	n/a
New Long term debt issued YTD	55,000	-	-	30,000	30,000	25,000
Matured Long term debt	(25,000)	(25,000)	-	-	(25,000)	n/a
<b>Total</b>	<b>305,000</b>	<b>-</b>	<b>30,000</b>	<b>30,000</b>	<b>60,000</b>	<b>25,000</b>

- 10 As at 31 December 2023 the Council had \$84.1 million of cash, borrower notes and term deposits on hand. This is broken down as follows:

<b>Term deposits, cash &amp; borrower notes</b>	<b>Prefund borrowings</b>	<b>Borrower notes</b>	<b>Cash</b>	<b>Total</b>
	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>
LGFA debt maturing May 2024	30,000	-	-	30,000
LGFA debt maturing Oct 2024	30,000	-	-	30,000
Surplus cash	-	-	17,168	17,168
Borrower notes held	-	6,995	-	6,995
<b>Total</b>	<b>60,000</b>	<b>6,995</b>	<b>17,168</b>	<b>84,163</b>

- 11 For the three months ended 31 December 2023, the Council has not breached its net debt upper limit, as shown in the chart below:

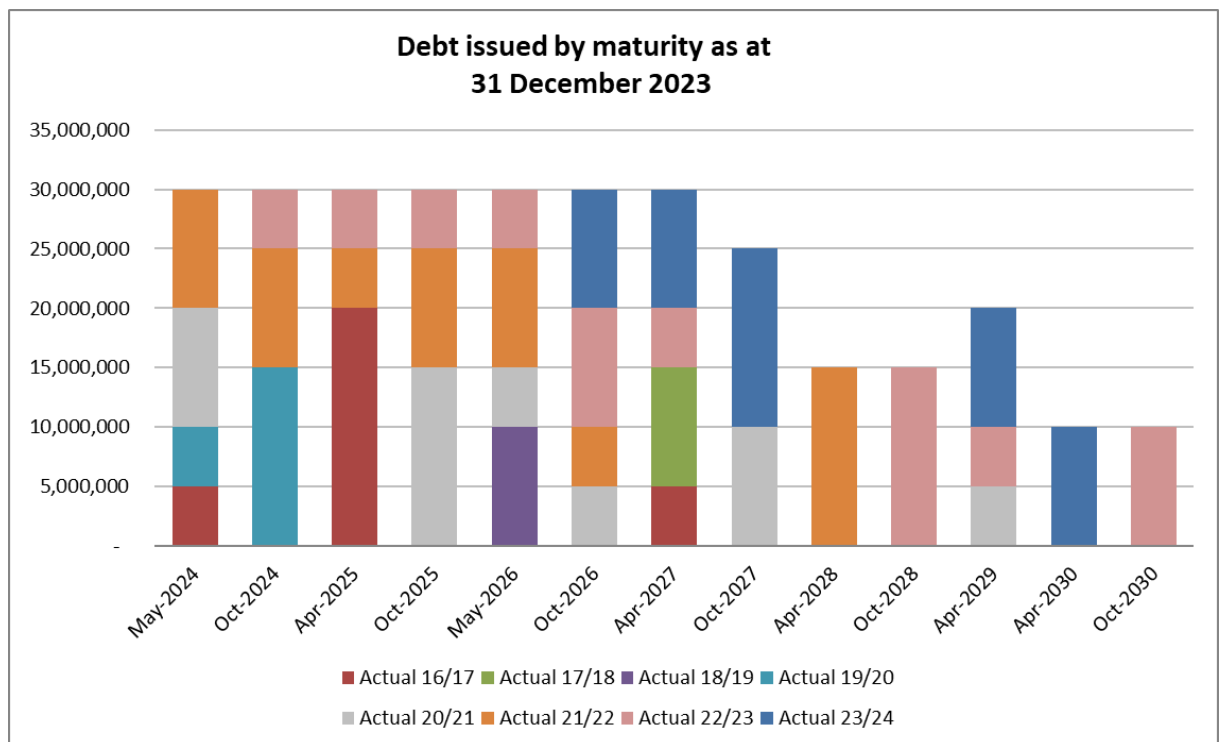


- 12 The Council targeted through its LTP 2021-41 financial strategy to keep net borrowings below 280% of total operating income with a preferred limit of 250%. As at 31 December 2023, the Council's net borrowings are 193.1% of forecasted 2024 total operating income.

### Liquidity/Funding control limits

- 13 Liquidity and funding management focuses on reducing the concentration of risk at any point so that the overall borrowings cost is not increased unnecessarily and/or the desired maturity profile is not compromised due to market conditions. This risk is managed by spreading and smoothing debt maturities and establishing maturity compliance buckets.
- 14 Since October 2015 the Council's treasury strategy has included a debt pre-funding programme. The Policy allows pre-funding of the Council debt maturities and Capex programme up to 18 months in advance, including re-financing.

- 15 The following chart presents the Council's debt maturity dates in relation to the financial year in which the debt was issued. This demonstrates that since 2016/17, the Council has actively reduced risk concentration by spreading debt maturity dates and debt maturity values.

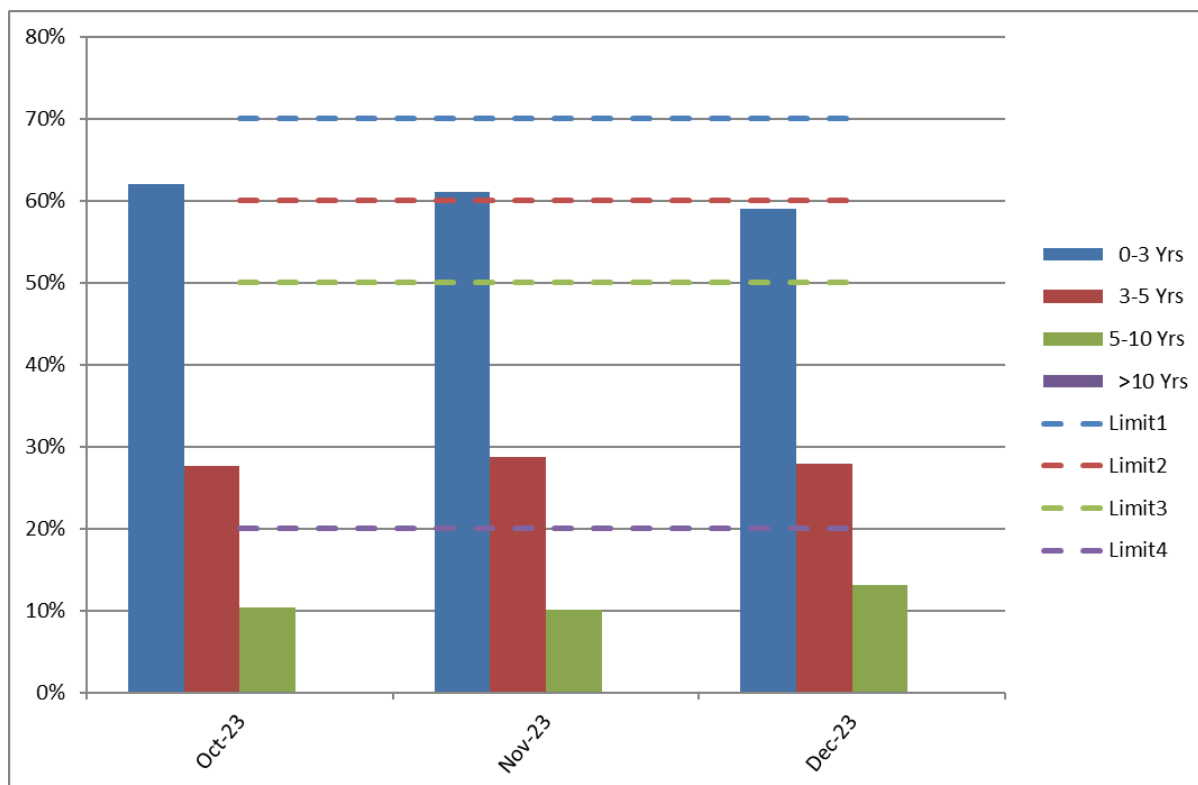


2

- 16 Debt maturities must fall within maturity compliance buckets. These maturity buckets are as follows:

Maturity Period	Minimum	Maximum
0 to 3 years	10%	70%
3 to 5 years	10%	60%
5 to 10 years	10%	50%
10 years plus	0%	20%

- 17 For the three months ended 31 December 2023, the Council has been fully compliant with its debt maturity limits, as shown by the chart below. The upper limits, as shown by dashed lines, relate to the bars of the same colour. For example, the 0 to 3 years upper limit of 70% is in blue. Actual maturities in the 0-3-year bucket are represented by the blue bars. The Council has no long-term debt maturing in ten years' time or beyond.



### Interest rate risk control limits

- 18 The Council seeks endorsement from Bancorp, its independent treasury advisor for all debt issuances. Typically, Council issues debt on a floating rate basis and applies its fixed interest rate swaps (hedges) to minimise its exposure at any one time to interest rate fluctuations. This ensures more certainty of interest rate costs when setting our Annual Plan and Long-Term Plan budgets.
- 19 Without such hedging, the Council would have difficulty absorbing adverse interest rate movements. A 1% increase in interest rates on \$305 million of external debt would equate to additional interest expense of \$3.05 million per annum. Conversely, fixing interest rates does however reduce the Council's ability to benefit from falling and/or more favourable interest rate movements.
- 20 The objectives of any treasury strategy are therefore to smooth out the effects of interest rate movements, while being aware of the direction of the market, and to be able to respond accordingly.
- 21 The Policy sets out the following interest rate limits:
- Major control limit where the total notional amount of all interest rate risk management instruments (i.e. interest rate swaps) must not exceed the Council's total actual debt; and
- Fixed/Floating Risk Control limit, that specifies that at least 55% of the Council's borrowings must be fixed, up to a maximum of 100%.

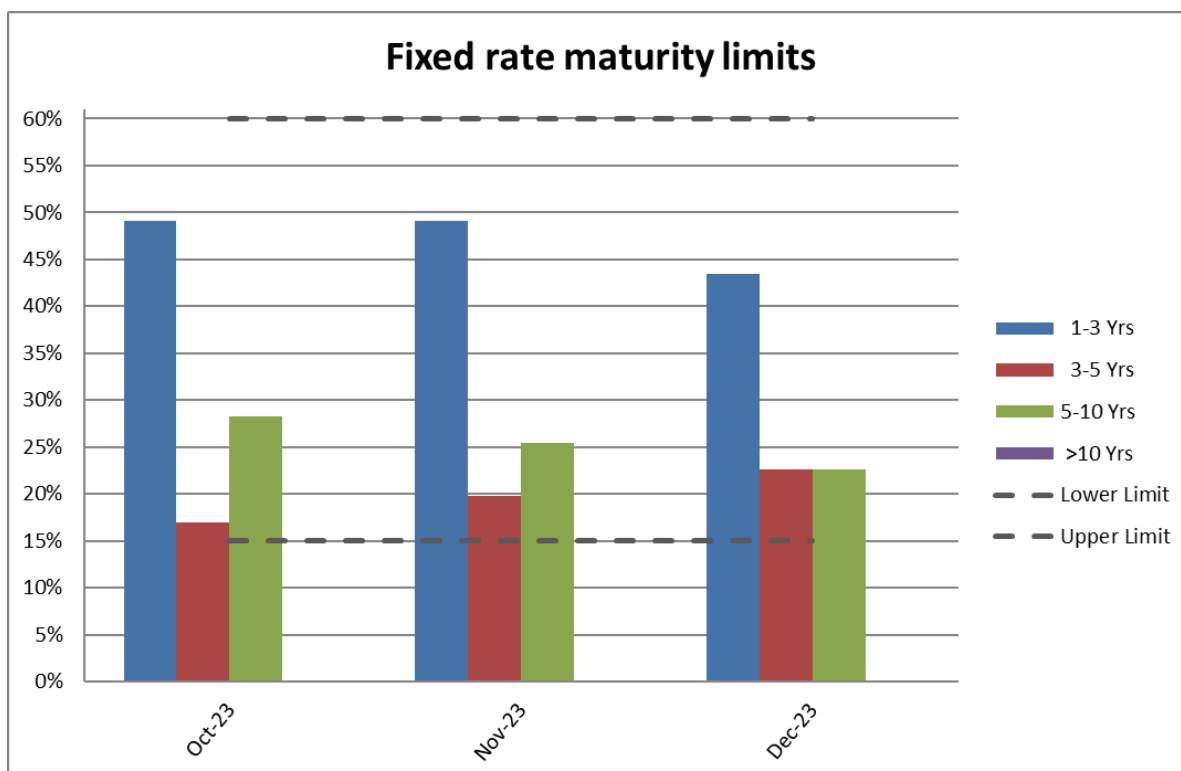
- 22 The Council has been fully compliant for the three months ended 31 December 2023, as shown by the table below. New hedging instruments will be needed in the future to maintain Policy compliance. Hedging instruments remain comparatively expensive.

\$000's	Oct-23	Nov-23	Dec-23
External debt (floating)	290,000	295,000	305,000
Swaps (fixed portion)	177,000	177,000	177,000
Fixed %	61.0%	60.0%	58.0%
Unfixed debt	113,000	118,000	128,000

- 23 Like debt maturities, hedging instrument maturities must also fall within maturity compliance buckets. These maturity compliance buckets are as follows:

Period	Minimum	Maximum
1 to 3 years	15%	60%
3 to 5 years	15%	60%
5 to 10 years	15%	60%
10 years plus	0%	20%

- 24 The Council has been fully compliant for the three months ended 31 December 2023, as shown by the following chart. Note that maturities falling within 1 year are not included. The Council has no hedging instrument maturities in ten years' time or beyond.



### Counterparty Credit Risk

- 25 The policy sets maximum limits on transactions with counterparties. The purpose of this is to ensure the Council does not over-concentrate its investments or risk management instruments with a single party.

- 26 The policy sets the gross counterparty limits as follows:

Counterparty/Issuer	Minimum Standard and Poor's long term	Investments maximum per counterparty	Risk management instruments maximum per counterparty	Borrowing maximum per counterparty
NZ Government	N/A	Unlimited	None	Unlimited
LGFA	AA-/A-1	\$20m	None	Unlimited
NZ Registered Bank	A+/A-1	60% of total investments or \$25m; whichever is greater	50% of total instruments or \$80m; whichever is greater	\$50m

- 27 The Council was in full compliance with all counterparty credit limits for the three months ended 31 December 2023. The tables below show the Council's investments and risk management instruments holdings per counterparty for this period.

#### Term deposit & Cash investments

Counter party	Oct-2023		Nov-2023		Dec-2023		Comply
	\$000	%	\$000	%	\$000	%	
NZ Registerd Bank 1	30,000	48.68%	30,000	47.12%	30,000	38.88%	✓
NZ Registerd Bank 2	-	0.00%	-	0.00%	-	0.00%	✓
NZ Registerd Bank 3	30,000	48.68%	30,000	47.12%	30,000	38.88%	✓
NZ Registerd Bank 4	1,622	2.63%	3,672	5.77%	17,168	22.25%	✓
	61,622	100.00%	63,672	100.00%	77,168	100.00%	

\*Policy Limit: 60% of total investments or \$25 million; whichever is greater

#### Interest rate swaps

Counter party	Oct-2023		Nov-2023		Dec-2023		Comply
	\$000	%	\$000	%	\$000	%	
NZ Registerd Bank 1	40,000	22.60%	40,000	22.60%	40,000	22.60%	✓
NZ Registerd Bank 2	85,000	48.02%	85,000	48.02%	85,000	48.02%	✓
NZ Registerd Bank 3	52,000	29.38%	52,000	29.38%	52,000	29.38%	✓
	177,000	100%	177,000	100%	177,000	100%	

\*Policy Limit: 50% of total instruments or \$80 million; whichever is greater

#### Specific Borrowing Limits

- 28 In managing debt, the Council is required to adhere to the specific borrowing limits.
- 29 The Council fully complied with these limits for the three months ended 31 December 2023 and the results are shown below:

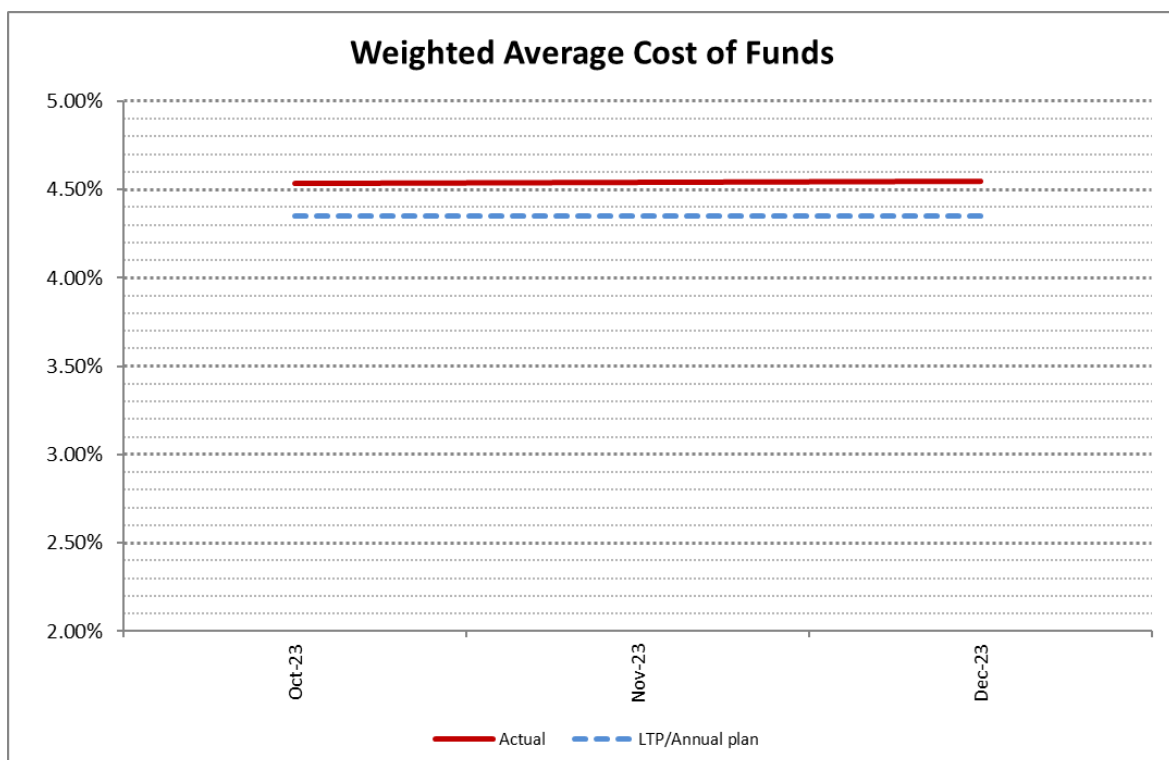
Borrowing limit	Policy limit	2023/24	Comply
Net interest expense/Total Operating Income	< 20%	7.9%	✓
Liquidity ((total debt +total committed facilities +cash on hand)/total debt))	> 110%	128.6%	✓
Net External Debt/Total Operating Income	< 280%	193.1%	✓

### Risk Management Performance

- 30 The following table shows the Council's interest income and expense for the three months ended 31 December 2023 together with the weighted average cost of borrowing (WACB), compared to year-to-date budget and full year forecast.

	December YTD Actual \$000	YTD Budget \$000	Variance (Fav/UnFav) \$000	Full year Forecast \$000
Interest Expense	6,720	6,205	(514)	14,077
less: Interest Income	(2,268)	(1,784)	485	(4,637)
Net Interest Cost	4,452	4,422	(30)	9,440
Weighted Average Cost of Borrowings	4.55%	4.35%	-0.20%	4.60%

- 31 The following graph shows the year-to-date average cost of borrowings, for each month of the quarter.



### He take | Issues

- 32 This report has a low level of significance under the Council's Significance and Engagement Policy).

### Ngā kōwhiringa | Options

- 33 There are no options to be considered.

### Tangata whenua

- 34 There are no tāngata whenua considerations arising directly from this report.

### Panonitanga āhuarangi | Climate change

- 35 There are no climate change considerations within this report.

**Ahumoni me ngā rawa | Financial and resourcing**

36 There are no financial and resourcing considerations in addition to those already noted in this report.

**Ture me ngā Tūraru | Legal and risk**

37 There are no legal and risk considerations arising from this report.

**Ngā pānga ki ngā kaupapa here | Policy impact**

38 There are no policy considerations in addition to those already noted in this report.

**TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT****Te mahere tūhono | Engagement planning**

39 An engagement plan is not required for this report.

**Whakatairanga | Publicity**

40 There are no publicity considerations arising from this report.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

Nil

**8.4 PROGRESS UPDATE REGARDING AUDIT CONTROL FINDINGS 2022/23**

Kaituhi | Author: **Sharon Foss, Business Improvement Manager**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

**TE PŪTAKE | PURPOSE**

- 1 This report provides the Risk and Assurance Committee with a progress report on Ernst & Young's Report on Control Findings for the year ended 30 June 2023.

**HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY**

- 2 There is no requirement for an Executive Summary.

**TE TUKU HAEPAPA | DELEGATION**

- 3 The Risk and Assurance Committee has delegated authority to consider this report under section C.3 of the Governance Structure and Delegations.
- *Reviewing and maintaining the internal control framework.*
  - *Obtaining from external auditors any information relevant to the Council's financial statements and assessing whether appropriate action has been taken by management in response to the above.*

**TAUNAKITANGA | RECOMMENDATIONS**

- A. That the Risk and Assurance Committee:
- A.1 notes the progress update regarding Ernst & Young's Report on Control Findings for the year ended 30 June 2023, attached as Appendix 1 to this report, and
- A.2 that Ernst & Young will re-assess these as part of their audit for the year ended 30 June 2024.

**TŪĀPAPA | BACKGROUND**

- 4 In accordance with New Zealand Auditing Standards, Ernst & Young (EY) performed a review of the design and operating effectiveness of the Council's significant financial reporting processes as part of their audit for the year ended 30 June 2023. The annual EY Audit Plan, as considered by this Committee, reflects the areas of focus set by the Office of the Auditor General.
- 5 The EY Report on Control Findings highlights weaknesses in our first line of defences (controls). Of particular interest for the Committee are the levels that EY have classified the control risk matters they identified. The classifications are as follows:

Ernst & Young – Risk Ranking System	
<b>High</b>	Matters and/or issues considered to be fundamental to the mitigation of material risk, maintenance of internal control or good corporate governance. Action should be taken either immediately or within three months.
<b>Moderate</b>	Matters and/or issues considered to be of major importance to maintenance of internal control, good corporate governance, or best practice for processes. Action should normally be taken within six months.
<b>Low</b>	A weakness which does not seriously detract from the internal control framework. If required, action should be taken within 6 -12 months.

**HE KŌRERORERO | DISCUSSION**

- 6 The following table outlines the control findings and associated risk ratings across the last two external audits conducted by EY.

<b>Overview of Risk Ranking System and Control Finding</b>				
<b>Status</b>	<b>Risk Ranking</b>			<b>Total</b>
	<b>High</b>	<b>Moderate</b>	<b>Low</b>	
Open at 30 June 2022	-	1	4	<b>5</b>
Closed during financial year 2022/23	-	-	3	<b>3</b>
<b>New points raised in financial year 2022/23</b>	-	-	1	<b>1</b>

<b>Total open points at 30 June 2023</b>	-	1	2	<b>3</b>
--	---	---	---	----------

- 7 In keeping with standard practice, EY will consider if these three control findings can be closed out, as part of their audit for the financial year ended 30 June 2024.
- 8 The table below details the year-to-date progress against these control findings.

<b>EY Risk Ranking</b>	<b>Control Findings year end 30 June 2023</b>	<b>Summary - as at 7 February 2024</b>	<b>Completion Status</b>
<b>Moderate</b>	<b>2.1.1 Accuracy of response and resolution times</b> (MagiQ service request data refers)	<b>Agreed action:</b> <ul style="list-style-type: none"> <li>Undertake an internal review of the performance measure data prior to finalising.</li> <li>Update the process for recording requests for service to correct this weakness.</li> </ul> <b>Action update:</b> <u>Completed</u> <ul style="list-style-type: none"> <li>Discussed control findings with EY.</li> <li>Contacted relevant staff to gain an initial view as to possible cause for the EY finding.</li> </ul> <u>In Progress</u> <ul style="list-style-type: none"> <li>Review initial responses.</li> <li>Determine 1<sup>st</sup> line of defence point of failure and associated risk treatments.</li> </ul>	<b>In Progress</b>

EY Risk Ranking	Control Findings year end 30 June 2023	Summary - as at 7 February 2024	Completion Status
Low	<b>2.2.1 Aged work in progress review</b> (Waikanae duplicate rising main infrastructure project refers)	<b>Agreed action:</b> <ul style="list-style-type: none"> <li>Establish annual reviews of aged work in progress projects</li> <li>Document the review and ensure that the assessment includes consideration of:               <ul style="list-style-type: none"> <li>the age of the work in progress,</li> <li>whether the asset is ready for use, and</li> <li>any indicators of impairment.</li> </ul> </li> </ul> <b>Action update: Generic Improvement:</b> <u>Assurance around Aged Work in Progress</u> <ul style="list-style-type: none"> <li>Have established an annual review at year end of Aged Work in Progress of projects that have had no movement in the last 12 months.</li> <li>The reviews will be documented and the assessment will include consideration of:               <ul style="list-style-type: none"> <li>the age of the work in progress,</li> <li>whether the asset is ready for use, and</li> <li>any indicators of impairment.</li> </ul> </li> <li>Meantime, associated purchase orders are being reviewed.</li> </ul> <sup>1</sup> <b>Action update: Specific Finding:</b> <u>Work in Progress Project</u> The Waikanae Duplicate Rising Main project has taken some time to receive a resource consent and that has delayed the project from the original scheduled completion date of 30 June 2024. It is now expected to be complete in 2025.	<p>In Progress</p> <p>Will likely be carried over.</p>
Low	<b>2.2.2 Overhead rate applied to projects</b>	<b>Agreed action:</b> Develop a specific overhead allocation model. <b>Action update:</b> <ul style="list-style-type: none"> <li>Last financial year planning started on the development of a mechanism to ensure our time and effort for projects are considered.</li> <li>Work has progressed. SLT is scheduled to consider adopting an overhead allocation model developed in line with EY's recommended approach. If approved, that model will be operative by end of March 2024.</li> </ul>	<p>In Progress</p>

## He take | Issues

9 There are no additional issues to be raised in this report.

## Ngā kōwhiringa | Options

10 There are no options to be raised in this report.

**Tangata whenua**

- 11 There are no tāngata whenua considerations arising from this report.

**Panonitanga āhuarangi | Climate change**

- 12 There are no climate change issues arising from this report.

**Ahumoni me ngā rawa | Financial and resourcing**

- 13 There are no additional financial or resource issues arising from this report.

**Ture me ngā Tūraru | Legal and risk**

- 14 There are no legal considerations arising from this report.

**Ngā pānga ki ngā kaupapa here | Policy impact**

- 15 There are no policy implications arising from this report.

**TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT****Te mahere tūhono | Engagement planning**

- 16 This matter has a low level of significance under the Council's Significance and Engagement Policy.

**Whakatairanga | Publicity**

- 17 There are no publicity considerations.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

1. Appendix 1 - Ernst & Young's Report on Control Findings for the year ended 30 June 2023 [↓](#)

# Kāpiti Coast District Council

Report on Control Findings

1 November 2023





**Building a better  
working world**

Ernst & Young  
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Mark de Haast  
Group Manager - Corporate Services  
Kāpiti Coast District Council  
Private Bag 60601  
Paraparaumu 5254

1 November 2023

Dear Mark

#### **Report on Control Findings**

We have substantially completed our audit of the financial statements and service performance information of Kāpiti Coast District Council ("Council" or "KCDC") for the year ended 30 June 2023.

This Report on Control Findings includes control matters and issues arising from our audit that we consider appropriate for review by management.

In accordance with the Auditor-General's Auditing Standards we performed a review of the design and operating effectiveness of KCDC's significant financial and non-financial reporting processes. Our audit procedures do not address all internal control and accounting procedures and are based on selective tests of accounting records and supporting data. They have not been designed for the purposes of making detailed recommendations. As a result, our procedures would not necessarily disclose all weaknesses in KCDC's

internal control environment. We wish to express our appreciation for the courtesies and co-operation extended to our representatives during the course of their work. If you have any questions or comments, please do not hesitate to call me on 027 489 9693.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Sam Nicolle'.

Sam Nicolle  
Partner  
Ernst & Young

EY | i

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2. Detailed recommendations..... 4

## 1. Overview

### 1.1 Overview of Risk Ranking System and Recommendations

The following table provides an overview of the number of observations and the associated risk ratings.

	High	Moderate	Low	Total
Open as at 30 June 2022	-	1	4	5
Closed during FY23	-	-	(3)	(3)
New points raised in FY23	-	-	1	1
Total open points as at 30 June 2023	-	1	2	3

Key:

■	A weakness which does not seriously detract from the internal control framework. If required, action should be taken within 6-12 months.
■	Matters and/or issues are considered to be of major importance to maintenance of internal control, good corporate governance or best practice for processes. Action should normally be taken within 6 months.
■	Matters and/or issues are considered to be fundamental to the mitigation of material risk, maintenance of internal control or good corporate governance. Action should be taken either immediately or within 3 months.

1.2    Audit observations

The following table summarises open recommendations at 30 June 2023.

Observations	High Needs significant improvement	Moderate Needs substantial improvement	Low Needs some improvement
Accuracy of response and resolution times	-	✓	-
Aged work in progress review	-	-	✓
Overhead rate applied to projects	-	-	✓

1.3    Disclaimer

Issues identified are only those found within the course of the audit for year ended 30 June 2023. Recommendations are intended solely for the use of Council’s management. We disclaim any assumption of responsibility for any reliance on this report, to any person other than Council and the management team or for any purpose other than that for which it was prepared.

## 2. Detailed recommendations

### 2.1 Moderate Risk

#### 2.1.1 Accuracy of response and resolution times

<b>Observation</b>	<p>One of Council's key activities is managing, and responding to, requests for service that ratepayers make of Council. KCDC uses the MagiQ system to record and monitor these requests. When a member of the community makes a request the time of the request, actions taken to respond to and resolve the request, and the time these actions were taken are all recorded in the system. This data then forms the basis for reporting a number of performance measures which relate to how quickly Council have either responded to, or resolved, requests for service relating to a particular area of operations.</p> <p>In completing our testing of performance reporting information, we identified instances where the response times used as a basis for calculating performance measures were identical to the time the request for service was raised with Council. We observed this mostly arises where a request for service is not logged with the call centre immediately. This results in the on call staff member arriving on site before the request for service has been logged in the system. As MagiQ does not allow response times to be before the received time the response time will default to the earliest possible time which will be identical to the received time.</p> <p>For six items tested, we noted the 'response' time was identical to the 'service requested' time (one instance for stormwater services requests, Three times in water management service requests and five instances for wastewater overflow and blockage requests).</p> <p>For water supply, we noted 3 instances of urgent responses (6% of the population) were negative.</p>
<b>Implication</b>	There is a risk that Council reports incorrect performance results as a result of not using accurate response times. This can also impact management's ability to understand the team's responsiveness to ratepayer requests and any resourcing or process issues that may need to be remedied to allow timely responses to requests.
<b>Recommendation</b>	<p>We recommend the either the process for recording requests for service be updated or that the data used as an input in calculating the request for service-based measures be reviewed prior to being used to calculate performance measures.</p> <p>We recommend Council consider an internal review of the performance measure data prior to finalising the measure and consider anomalies and whether they have a material impact on performance reported.</p>
<b>Management Response</b>	Management accepts audit findings and recommendation. An internal review of the performance measure data prior to finalising will be undertaken and the process for recording requests for service will be updated to correct this weakness.
<b>Responsibility</b>	Corporate Services

## 2.2 Low Risk

### 2.2.1 Aged work in progress review

Observation	Our testing of infrastructure assets includes a review of work in progress projects that had no further costs incurred in the financial period. There was one material project, the Waikanae duplicate rising main, which commenced in 2017 and had not incurred further cost nor been capitalised in FY23.
Implication	The accumulation of capital work in progress in error may result in: <ul style="list-style-type: none"><li>- Delayed commencement of depreciation</li><li>- impairment</li></ul>
Recommendation	We recommend aged WIP projects are reviewed annually and documented. The assessment should consider the age of WIP, whether the asset is ready for use and for an assessment of indicators of impairment.
Management Response	Management accepts audit's grading and recommendation. The Waikanae duplicate rising main is planned to be fully complete by 30 June 2024 and depreciation will commence thereon from 1 July 2024.
Responsibility	Corporate Services

2.2.2 Overhead rate applied to projects	
Observation	During our testing of the capital grants and capex, we observed that there was change in the method to apply the allocation of overhead staff costs to capital projects. This method allocates based on an approved SLT rate (percentage) that is applied against the budgeted personnel recovery costs. The approved SLT rates are average market recovery rates and are not specific to KCDC.
Implication	The Council are using rates that are reasonable in the market but not specific to KCDC. Therefore, there is uncertainty on whether the time and effort recovered at the market rates is reflective of the actual time and effort incurred on the project
Recommendation	We recommend KCDC to develop an overhead rate specific to actual time and effort that has been incurred for KCDC projects.
Management Response	Management accepts the audit finding and recommendation and commits to exploring options to enhance the overhead recovery methodology to be more KCDC specific as part of developing the 2024-34 Long Term Plan.
Responsibility	Corporate Services

## EY | Assurance | Tax | Transactions | Advisory

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## 8.5 INTERNAL AUDIT WORK PROGRAMME - PROGRESS UPDATE

Kaituhi | Author: **Sharon Foss, Business Improvement Manager**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

### TE PŪTAKE | PURPOSE

1 This report updates the Risk and Assurance Committee on the Internal Audit function of Council.

### HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

2 This report does not require an Executive Summary.

### TE TUKU HAEPAPA | DELEGATION

3 The Risk and Assurance Committee has delegated authority to consider this report under section C.3 of the Governance Structure and Delegations.

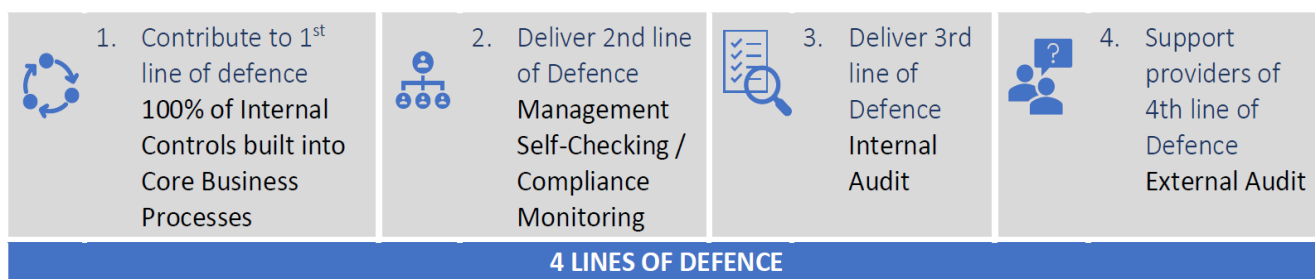
- *Ensuring that Council has in place a current and comprehensive risk management framework and making recommendations to the Council on risk mitigation.*

### TAUNAKITANGA | RECOMMENDATIONS

A. That the Risk and Assurance Committee receives and notes the Internal Audit progress update on the work programme for 2023/24.

### TŪĀPAPA | BACKGROUND

4 Internal audit is line three of the 'Four Lines of Defence' model used in the Risk and Assurance workstream.



5 Each of the four sources of assurance in the table above contribute to the overall level of assurance provided and importantly by breaking them down into four categories they can be integrated into everyday life at Council.

First line: Risks are managed and controlled day-to-day. Assurance comes directly from those responsible for delivering specific objectives or processes.

Second line: Council oversees the control framework so that it operates effectively.

Third line: Internal audit, providing reasonable (not absolute) assurance of the overall effectiveness of governance, risk management and controls.

Fourth line: Assurance from external independent bodies such as the external auditors and other external bodies.

- 6 The internal audit work programme is set with reference to a range of sources including:
- the Office of the Auditor-General published resources and guidance,
  - Audit NZ published resources and guidance,
  - Ernst and Young (our “appointed auditor” appointed by the Auditor-General) independent recommendations and control findings, and
  - other observations made from internal audits.
- 7 This Committee receives three reports in relation to the approved Internal Audit Work Programme:
- this progress report on the internal audits; and
  - a proposed internal audit work programme (prepared annually) which appears on this agenda. The programme sets audit topics and identifies resources required for the year in alignment with the Council’s objectives and key risks, and
  - a final outcomes report on the internal audits completed in the previous calendar year (2023) which is also on this agenda.

## HE KŌRERORERO | DISCUSSION




### Third Line of Defence (Internal Audit)

- 8 In accordance with both the NZ Auditing Standards and our external auditors, Ernst & Young, we use the following risk ranking system when selecting which internal audits to conduct.









Internal Audit - Risk Ranking System	
<b>High</b>	Matters and/or issues considered to be <b>fundamental</b> to the mitigation of material risk, maintenance of internal control or good corporate governance.
<b>Moderate</b>	Matters and/or issues considered to be of <b>major importance</b> to maintenance of internal control, good corporate governance, or best practice for processes.
<b>Low</b>	A weakness which does <b>not</b> seriously detract from the internal control framework.

### Progress

- 9 The following status categories update this Committee on progress made on the internal audit work programme at the time of finalising this report.

Progress Status Categories		
 Planned	 Underway	 Completed

10 The progress on the Internal Audit Work Programme is noted below.

Internal Audit Work Programme 2024			
Risk Ranking	Activity	Progress as of 7 February 2024	
		Status	Update
High	Compliance with Mitigation of Fraud Policy.		<b>Completed.</b> See Internal Audit 2023 Outcomes report on this agenda.
High	Compliance with Procurement Policy Framework.		<b>Completed.</b> See Internal Audit Outcomes report on this agenda.
High	Compliance with Employee Code of Conduct document (incl. Conflict of Interest Declarations). <u>Audit scope</u> Test the fundamental principles and high-level rules that apply to employee conduct.		<b>In progress.</b>
High	Compliance with General Expenses Policy. <u>Audit scope</u> Test compliance with selected internal controls within the General Expenses Policy.		<b>In progress.</b>
Moderate	Compliance with Receipt of Gifts and Hospitality Policy. <u>Audit scope</u> Test compliance with rules that apply to Receipt of Gifts and Hospitality.		<b>In progress.</b>
Moderate	Compliance with Protected Disclosures (Protection of Whistleblowers) Policy. <u>Audit scope</u> Test the rules that apply to protecting disclosures (protection of whistleblowers)		<b>Review delayed</b> by GM, Corporate Services due to competing priorities and limited internal resources at current time. See Draft Internal Audit Work Programme report on this agenda.
Moderate	External Audit (Ernst & Young) 2022/23 - Control Findings. Follow up on recommendations		<b>Ongoing</b> F/Y 2022/23. See Progress Update Regarding Audit Control Findings 2022/23 report on this agenda.
Low	Review preparedness for business interruption and continuously improve.		<b>Ongoing.</b> Commenced December 2023 in preparation for Holiday season. Report being prepared for SLT to discuss how this can be resourced and completed.

## He take | Issues

11 There are no issues to be raised in this report.

**Ngā kōwhiringa | Options**

12 There are no options to be raised in this report.

**Tangata whenua**

13 There are no tāngata whenua considerations arising from this report.

**Panonitanga āhuarangi | Climate change**

14 There are no climate change issues arising from this report.

**Ahumoni me ngā rawa | Financial and resourcing**

15 There are no further financial and resourcing considerations arising from this report.

**Ture me ngā Tūraru | Legal and risk**

16 There are no legal considerations arising from this report.

**Ngā pānga ki ngā kaupapa here | Policy impact**

17 There are no policy implications arising from this report.

**TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT****Te mahere tūhono | Engagement planning**

18 This matter has a low level of significance under the Council's Significance and Engagement Policy.

**Whakatairanga | Publicity**

19 The Internal Audit work programme progress update will be publicised through the publication of the agenda and minutes of this Committee meeting.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

Nil

## 8.6 INTERNAL AUDIT 2023 OUTCOMES REPORT

Kaituhi | Author: **Sharon Foss, Business Improvement Manager**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

### TE PŪTAKE | PURPOSE

- 1 This report updates the Risk and Assurance Committee on the Internal Audit function of Council.

### HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 This report does not require an Executive Summary.

### TE TUKU HAEPAHA | DELEGATION

- 3 The Risk and Assurance Committee has delegated authority to consider this report under section C.3 of the Governance Structure and Delegations.

*Ensuring that Council has in place a current and comprehensive risk management framework and making recommendations to the Council on risk mitigation.*

### TAUNAKITANGA | RECOMMENDATIONS

- A. That the Risk and Assurance Committee receives and notes the Internal Audit 2023 Outcomes Report.

### TŪĀPAPA | BACKGROUND

- 4 The 2023 internal audit priorities were the Mitigation of Fraud Policy and the Procurement Framework Policy, both of which were completed.

### HE KŌRERORERO | DISCUSSION

#### Overview – Mitigation of Fraud Policy Internal Audit

- 5 The following is a summary of the key issues identified during the audit of the Mitigation of Fraud Policy along with the operational response from the Chief Executive and Group Manager, Corporate Services.
- 6 Progress on the listed management responses is being monitored by the internal audit function.

Summary Overview - Internal Audit of the Mitigation of Fraud Policy	
Observations	Management response
Lack of fraud awareness	<ul style="list-style-type: none"> <li>Plan/schedule regular fraud awareness messages and training for staff.</li> <li>Improve mitigation of fraud and conflict of interest information (profile and sources, including intranet).</li> </ul>
The Policy requirements are not all being followed	<ul style="list-style-type: none"> <li>Develop list of procedures to document internal controls carried out to meet the Policy requirements.</li> <li>Review Policy risk assessment requirements and ensure they are followed.</li> <li>Review Policy reporting requirements and ensure they are followed.</li> <li>Develop a new Fraud Register that meets the Policy's requirements</li> </ul>
The Policy contains anomalies and outdated information	<ul style="list-style-type: none"> <li>Remove inconsistencies and outdated information when the Policy is reviewed.</li> </ul>

#### Overview – Procurement Framework Policy Internal Audit

- 7 The following is a summary of the key issues identified during the audit of the Procurement Framework.
- 8 Progress on the listed management responses is being monitored by the internal audit function.

Summary Overview - Internal Audit of the Procurement Framework Policy	
Observations	Management response
Procurement Framework is complicated and difficult to follow.	<ul style="list-style-type: none"> <li>Review and simplify the framework</li> <li>Be clearer about what process steps are mandatory</li> <li>Continue staff training and associated reminders.</li> </ul>
Record keeping is poor.	<ul style="list-style-type: none"> <li>Record keeping instructions to be clearer about requirements.</li> <li>Implement a method to record completion of mandatory procurement actions</li> <li>Remind staff to keep full procurement records</li> </ul>
Inconsistencies in processes and practises need to be corrected.	<ul style="list-style-type: none"> <li>Procurement instructions to be clearer about requirements</li> <li>Correct inconsistencies in the Framework</li> <li>Make information easier to access – particularly on Intranet.</li> </ul>

### He take | Issues

9 There are no further issues arising from this report.

### Ngā kōwhiringa | Options

10 There are no options to be raised in this report.

### Tangata whenua

11 There are no tāngata whenua considerations arising from this report.

### Panonitanga āhuarangi | Climate change

12 There are no climate change issues arising from this report.

### Ahumoni me ngā rawa | Financial and resourcing

13 There are no further financial and resourcing considerations arising from this report.

### Ture me ngā Tūraru | Legal and risk

14 There are no legal considerations arising from this report, and relevant risk considerations made above.

### Ngā pānga ki ngā kaupapa here | Policy impact

15 There are no policy implications arising from this report, other than the work underway to refresh both the Mitigation of Fraud Policy and the Procurement Framework Policy.

## TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

### Te mahere tūhono | Engagement planning

16 This matter has a low level of significance under the Council's Significance and Engagement Policy.

### Whakatairanga | Publicity

17 There are no media releases or publicity requirements arising from this report.

## NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

## 8.7 INTERNAL AUDIT WORK PROGRAMME 2024

Kaituhi | Author: **Sharon Foss, Business Improvement Manager**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

### TE PŪTAKE | PURPOSE

- 1 This report seeks agreement to the 2024 internal audit work programme from the Risk and Assurance Committee.

### HE WHAKARĀPOOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required for this report.

### TE TUKU HAE PAPA | DELEGATION

- 3 The Risk and Assurance Committee (Committee) has the delegation to consider this matter under the section of Part C.3 of the Governance Structure and Delegations 2022-2025 Triennium which states: *"This committee is responsible for monitoring the Council's financial management, financial reporting mechanisms and framework, and risk and assurance function, ensuring the existence of sound internal systems."*

### TAUNAKITANGA | RECOMMENDATIONS

- A. That the Risk and Assurance Committee approves the 2024 Internal Audit Work Programme through to 30 June 2024 as set out in Appendix 1 to this report.

### TŪĀPAPA | BACKGROUND

- 4 The internal audit work programme for 2024 needs to be discussed and agreed at this meeting. While the Chief Executive retains responsibility for approving the operational priorities of the internal audit function, this report provides an opportunity for the Committee to discuss and endorse the internal audit work programme going forward.

### HE KŌRERORERO | DISCUSSION

- 5 The 2024 internal work programme for the Risk and Assurance Committee is attached in Appendix 1 to this report.
- 6 Two matters to note in considering the content of the internal audit work programme are:
  - 6.1 Firstly, the content shows four internal audits that are still in progress and are to be carried over into the 2024 work programme. These carryovers are attributable to a higher than scheduled time requirement to complete the 2023 internal audits of both the Mitigation of Fraud Policy and Compliance with the Procurement Policy Framework. The Committee was informed of this last year by the Chief Executive.
  - 6.2 Secondly, the work programme only extends through to 30 June 2024. There are two factors contributing to this approach – i) to enable staff to complete the carryover audits from 2023, and ii) to align the audit work programme with the start of the financial year which in 2024 is particularly important with the scheduled adoption of the Long Term Plan.

### He take | Issues

- 7 The establishment and presentation of the internal audit work programme is in accordance with the Office of the Auditor General's best practice guidance. This approach is used by other Councils throughout New Zealand.

- 8 That same best practice also provides for the Committee to review progress against the internal audit work programme at each subsequent meeting, as detailed in a separate report to this Committee.

#### Ngā kōwhiringa | Options

- 9 The Committee can consider and if necessary, make amendments to the internal audit work programme attached as Appendix 1 to this report.

#### Tangata whenua

- 10 Whilst this report does not directly affect tangata whenua, any such considerations will be included where appropriate in other reports presented to the Committee as part of the approved work programme.

#### Panonitanga āhuarangi | Climate change

- 11 There are no climate change considerations for this report.

#### Ahumoni me ngā rawa | Financial and resourcing

- 12 There are no additional financial considerations for this report.

#### Ture me ngā Tūraru | Legal and risk

- 13 There are no legal considerations or risks for this report.

#### Ngā pānga ki ngā kaupapa here | Policy impact

- 14 There is no impact on existing Council policies.

### TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

#### Te mahere tūhono | Engagement planning

- 15 No engagement planning is required for this report.

#### Whakatairanga | Publicity

- 16 The approved internal audit work programme will be publicised through the publication of the agenda and minutes of this Committee.

### NGĀ ĀPITI HANGA | ATTACHMENTS

1. Appendix 1 - Internal Audit Work Programme to 30 June 2024 [↓](#)

Internal Audit Work Programme through to 30 June 2024			
Type	Activity	Status commentary as at 7 February 2024 and Associated Top 10 ORG Risk*	Schedule as at 7 February 2024
Assurance: Internal Audit activities	Compliance with Employee Code of Conduct document.	<b>Carried over from 2023 and underway.</b> Important to complete these audits as the Mitigation of Fraud Policy (audited in 2023) references them as related documents.  These internal audits referenced in the Internal Audit Work Programme – Progress Update report on this agenda. ORG 8 refers.*	Q3/Q4 – '23/24
	Compliance with General Expenses Policy.		
	Compliance with Receipt of Gifts and Hospitality Policy.		
	Compliance with Protected Disclosures (Protection of Whistleblowers) Policy.		
	Review Business Continuity Plan preparedness for business interruption and continuously improve.	<b>Carried over from 2023 and underway.</b> Monitor readiness across the organisation and identify risks to assurance and raise control improvements (system and/or process). Undertake a rolling review of BCP's and test controls. ORG 9 refers.*	Continuous
	Compliance with Mitigation of Fraud Policy	<b>Planned</b> Re -test the protection of our systems and assets from fraudulent conduct. ORG 8 refers.*	Start planning annual audit in Q4 - 23/24
<b>*Note: Top 10 Organisational Risk References</b> ORG 3 = Failure to prudently manage Council's financial stability including fraudulent activity. ORG 9 = Failure to maintain business continuity for our core services.			
Enterprise Risk: EY Audit Control Findings	Follow up on independent recommendations identified and control findings issued by Ernst and Young.	<b>Carried over from 2023 and underway.</b> This activity is referenced in the Progress Update regarding Audit Control Findings 2022/23 report on this agenda.	Continuous
	Provide quarterly updates to this Committee.		
	Support EY to resolve / close these recommendations.		

**8.8 LEGISLATIVE COMPLIANCE 1 OCTOBER TO 31 DECEMBER 2023**

Kaituhi | Author: **Sarah Wattie, Governance & Legal Services Manager**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

**TE PŪTAKE | PURPOSE**

- 1 The purpose of this report is to notify the committee of legislative non-compliance in the second quarter of the financial year, 1 October 2023 to 31 December 2023.

**HE WHAKARĀPOOTO | EXECUTIVE SUMMARY**

- 2 An executive summary is not required.

**TE TUKU HAE PAPA | DELEGATION**

- 3 The Risk and Assurance Committee has delegated authority to consider this report under section C3 of the Governance Structure and Delegations document for the 2022-2025 triennium. These delegations include:
  - 3.1 ensuring that Council has in place a current and comprehensive risk management framework and making recommendations to the Council on risk mitigation.
  - 3.2 assisting elected members in the discharge of their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to their role.

**TAUNAKITANGA | RECOMMENDATIONS**

- A. That the Risk and Assurance Committee:
  - A.1 notes legislative non-compliance for the second quarter of the financial year from 1 October 2023 to 31 December 2023.
  - A.2 notes that two legislative non-compliance matters have been transferred to the Litigation and External Investigations Public Excluded meeting for discussion.

**TŪĀPAPA | BACKGROUND**

- 4 Local government is governed by a complex statutory framework with the Council responsible for a range of legislative requirements. Legislative compliance is important to Council carrying out its functions under the Local Government Act 2002 in a fair and effective manner that is accountable to the local community. Failure to achieve Council's legislative obligations has also been identified as one of Council's top 10 risks.
- 5 Each quarter key Council staff responsible for Council's compliance with legal obligations under different Acts are asked to complete a quarterly declaration of known non-compliance with legislative requirements and key assurance areas being privacy, procurement, authorised expenditure, cyber security and Local Government Official Information and Meetings Act 1987 (LGOIMA) requirements.
- 6 Council staff are asked to report against all applicable legislation. A legislative compliance schedule exists to assist staff in completing this declaration, set out in Attachment 1. Council's external auditors have identified the following legislation and regulations where non-compliance could have a fundamental effect on operations:
  - Local Government Act 2002
  - Local Authorities (Members' Interests) Act 1968
  - Local Government (Rating) Act 2002
  - Local Government (Financial Reporting and Prudence) Regulations 2014

- Building Act 2004
- Resource Management Act 1991.

## HE KÖRERORERO | DISCUSSION

- 7 This section sets out legislative compliance breaches for the second quarter of the financial year, 1 October 2023 to 31 December 2023, against all applicable legislation with risk ratings, corrective actions and status assigned for each breach. It also provides an assurance against key assurance areas outlined above being privacy, procurement, authorised expenditure, cyber security and LGOIMA.

### Organisational Risk Levels

- 8 Organisational risks levels have been assigned to legislative compliance breaches reported to this Committee based on Council's organisational risk framework. The risk levels are set out below:

Organisational Risk Levels	
High	<ul style="list-style-type: none"> <li>• Matters and/or issues considered to be fundamental to the mitigation of material risk, maintenance of internal control or good corporate governance.</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• Matters and/or issues considered to be of major importance to maintenance of internal control, good corporate governance, or best practice for processes.</li> </ul>
Low	<ul style="list-style-type: none"> <li>• A weakness which does not seriously detract from the internal control framework.</li> </ul>

### Key Assurance Areas

- 9 The Risk and Assurance Committee has requested the following key assurance areas be reported on in addition to legislative compliance:
- **Privacy breach:** A privacy breach is not meeting the requirements of the Privacy Act 2020 which may include releasing personal information to someone not authorised to receive it or using personal information in an unauthorised way.
  - **Procurement breach:** A procurement or probity breach is a failure to follow the requirements of Council's procurement policy, which sets out the requirements for our staff to ensure they carry out procurement in a way that is transparency, accountable, impartial and equitable.
  - **Unauthorised expenditure:** Unauthorised expenditure is expenditure that breaches Council's finance and purchasing policies, such as a staff member spending money without the appropriate financial delegation.
  - **Cyber security breach:** A cyber security breach is a breach of Council's information security systems which may result in the disclosure of sensitive, personal or commercial information to persons who are not authorised to receive the information or members of the public.
  - **Local Government Official Information and Meetings Act 1987 (LGOIMA):** A breach of this act relates to failure to meet deadlines or requirements for official information requests or transparency and notification requirements relating to Council meetings.
- 10 Confidential investigations are not included in this legislative compliance report and will be reported in public excluded where required.

11 **Table 1: Assurance against key risk areas**

Risk area	Description
Privacy	There was one privacy breach reported in the period.
Procurement	There were no reported procurement breaches in the period.
Unauthorised expenditure	There were no reported unauthorised expenditure in the period. There was an update to a previous reported breach.
Cyber security	There were no reported cyber security breaches in the period.
LGOIMA	There was one breach of requirements under the LGOIMA (official information and meeting requirements) in the period.

**Legislative Compliance Breaches**

- 12 Legislative compliance breaches for the second quarter of the financial year are set out in Attachment 2. These include ongoing breaches previously reported to this Committee.

**He take | Issues**

- 13 There are no issues for this report.

**Ngā kōwhiringa | Options**

- 14 There are no options required for this report.

**Mana whenua**

- 15 Council has a partnership with local iwi and hapū on the Kāpiti Coast District represented by Te Rūnanga O Toa Rangātira, Ngā Hapū o Ōtaki and Āti Awa ki Whakarongotai Charitable Trust.
- 16 Council's accountability to the community on legislative compliance extends to its partnership with iwi and commitments made to reflect the obligations under Te Tiriti o Waitangi, as well as other obligations to Māori, mana whenua and tangata whenua under the Local Government Act 2002, Resource Management Act 1987 and other legislation.

**Panonitanga āhuarangi | Climate change**

- 17 There are no climate change implications.

**Ahumoni me ngā rawa | Financial and resourcing**

- 18 There are no financial implications.

**Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk**

- 19 Organisational risk levels have been assigned to legislative compliance breaches reported in accordance with Council's organisational risk framework.
- 20 Except for the issues noted in this report, there are no other legal or risk implications.

**Ngā pānga ki ngā kaupapa here | Policy impact**

- 21 There are no policy implications.

**TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT**

- 22 This report is for the purpose of providing information only and does not trigger the Council's Significance and Engagement policy.

**Te mahere tūhono | Engagement planning**

- 23 There is no requirement for engagement planning.

**Whakatairanga | Publicity**

- 24 There are no additional publicity considerations.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

1. Legislative Compliance Schedule [↓](#)
2. Legislative Compliance Breaches and Updates 1 October 2023 to 31 December 2023 [↓](#)

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Accident Compensation Act 2001	All Sections	Administration of internal systems in compliance with the Act and the requirements of the Accident Compensation Corporation. Maintain a system of Accident and Hazard reporting. Administration of claims.
Amusement Devices Regulations 1978	All Regulations	Process applications for permits. Administering permits for amusement devices pursuant to Regulation 11.
Animal Welfare Act 1999	All Sections	Ensure compliance with all relevant provisions.
Arts Council of New Zealand Toi Aotearoa Act 2014	Section 24	<b>No current Community Arts Council.</b> Administration for Community Arts Council. Reporting to and between the Council and the Community Arts Council.
Biosecurity Act 1993	All Sections	Ensure Council carries out all such functions as the Act requires to the standard required by the Act.
Building (Accreditation of Building Consent Authorities) Regulations 2006	All Regulations	Ensure compliance with the standards as an accredited building consent authority.

Building Act 2004 and Building Regulations 1992	All Sections and Regulations particularly Regulation 3 Schedule 1 Sections 17, 108, 114, 116B, 120, 128A, 133AI, 133AM, 164, 223 and 363	<p>Ensure that the Building Code is complied with.</p> <p>Administration of Act including:</p> <ol style="list-style-type: none"> <li>1. Administration of Building Consents.</li> <li>2. Issuing PIMs, Code Compliance certificates, compliance schedules and warrants of fitness.</li> <li>3. Keeping records.</li> <li>4. Monitoring and compliance.</li> <li>5. Fixing charges.</li> <li>6. Dealing with Dangerous and Insanitary buildings.</li> </ol> <p>s17 - Ensure all building work done to a Council building complies with the building code where a building consent is not required.</p> <p>S108 - Annually supply the Building Team with a building warrant of fitness for all Council buildings that have a compliance schedule.</p> <p>s114 - Give notice to the Building Team of any change of use of a Council building.</p> <p>s116B - Do not allow a Council building to be used if it is insanitary or has inadequate means of escape from fire.</p> <p>s120 - Display notices or signs visible from outside Council building(s) that access provision is made for persons with disabilities, if this is required.</p> <p>s128A - Comply with notice requiring work or restricting entry to a "dangerous" or "insanitary" Council building.</p> <p>s133AI - Provide engineering assessment to the Building Team if requested for Council building(s).</p> <p>s133AM - Comply with deadline for seismic work in respect of Council building(s).</p> <p>s164 - Ensure Council complies with any notice to fix issued to it.</p> <p>s223 - Give reasonable assistance to a building inspector inspecting a Council building.</p> <p>s.363 "Area of responsibility"</p> <ul style="list-style-type: none"> <li>- obtain building consents for all work done on Council buildings if building consent required</li> <li>- keep building or part of building closed if no code compliance certificate or certificate of public use has been issued for building or part of building where building work occurred</li> <li>- penalty for non-compliance of maximum fine \$20,000.</li> </ul>
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LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Building Research Levy Act 1969	Relevant Sections	Ensure compliance with provisions relating to levies.
Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967	All Regulations particularly Regulations 3-5	Ensure compliance with regulations. Ensure monuments are only removed after regulated notice given. Administration and management of Cemeteries.
Burial and Cremation Act 1964	Sections 5-21, Section 46AA Section 50 Section 52(2) Section 18	Ensure Cemetery managed with the powers granted by the Sections. Ensure a certificate of cause of death or a coroner's certificate is always provided before a burial is done (including for assisted dying). Keep a register of all burials Ensure Council complies with any notice issued on behalf of the Minister of Health or a Health Protection Officer. All money received in respect of cemetery separately accounted for and only used for management and improvement of cemeteries under Council control.
Bylaws Act 1910	Section 12 - Section 23	Ensure all bylaws adopted by the Council comply with the requirements of this Act.
Camping Grounds Regulations 1985	All Regulations	Ensure that all camping grounds are conducted in compliance with the regulations. Regularly inspect all camping grounds in the District.
Child Support Act 1991	Section 154	Administration of deductions for child support.
Children's Act 2014	Part 3	Obligations, regulations, and requirements for safety checks of staff working with children.
Civil Defence Emergency Management Act 2002	All of Act, Section 64 specific to Council roles, Section 12, Section 17	Together with the Regional Council, establish a Civil Defence Emergency Management Group. Duty to plan and provide for civil defence emergency management within the district, and ensure it is able to function to the fullest extent during and after an emergency. Member of Civil Defence Emergency Management Group (CDEM), and undertake the roles of these groups as set out in Act.
COVID-19 Recovery (Fast-track Consenting) Act 2020		Acting as a Requiring Authority Giving advice as a Nominated Person.
Criminal Procedure Act 2011	All Sections	Ensure compliance with all relevant provisions.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Dog Control Act 1996	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act. Administration of Act, including: 1. Formulation and review of policy on dogs and bylaws. 2. Licensing of dogs. 3. Fees. 4. Enforcement action.
Electricity Act 1992	Section 24, Section 24A, Section 32	Ensure that where works are to be carried out by an electricity operator, Council imposes any necessary conditions on the work having regard to the matters in Section 24A of the Act. Ensure that where an application is made to carry out works in the road, Council recovers its reasonable costs and expenses for work done including processing the notice of works and supervising the work undertaken. Administration of the act to require works of electricity operator to be moved if required.
Employment Relations Act 2000	All Sections	Ensure correct breaks. Ensure correct wages/salary information supplied to Payroll. Allow staff who are union delegates to take reasonable time to represent employees in accordance with the Act. Ensure compliance with whistleblower provisions, must not retaliate against a whistleblower (Sections 110B and 103(1)(k)) Preparation and administration of contracts of employment.
Environmental Health Officers Qualifications Regulations 1993	All Regulations	Ensure Environmental Health Officers hold appropriate qualifications.
Family Violence Regulations 2019	All Regulations, Regulations 13 to 24	To restrict applicants name from public registers, namely, Rating and Valuation rolls, Electoral Roll, Dog Register, Building Records (as set out in Schedule 3). To promptly and helpfully dispose of applications and to restrict applicant's name from public registers and decide applications for public registers to ensure identifying information relating to a protected person is not published.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Fees and Travelling Allowances Act 1951	All Sections	Administration and payment of travelling expenses for members.
Fencing Act 1978	All Sections - particularly Section 16	Administration of claims for a contribution to boundary fences in accordance with the Act.
Fencing of Swimming Pools Act 1987	All Sections	Administration of Building Consents for swimming pools. Investigation and enforcement.
Fire and Emergency Act 2017	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act.
Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018	All Regulations	Ensure compliance with the Act in regard to Council property. Check to ensure compliance with the requirements when processing building consents before issuing Code Compliance Certificates. Investigate complaints and take enforcement action if necessary.
Food Act 2014	Section 19, Section 33, Section 35 - Section 72, Section 137, Section 173 - Section 197, Section 200, Section 205	Undertake territorial authority role in food safety Undertake any additional functions delegated to territorial authorities by Chief Executive Registration authority for food control plans Verification functions and activities Collection and setting of fees for registration, verification and compliance and monitoring activities. Carrying out enforcement and regulatory responsibilities.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Food Regulations 2015	Regulation 42 - 44, Regulation 13	Process applications for exemption from registration and monitoring of exemption premises. Exercise powers of recognized evaluators. Ensure that all premises required to be registered are. Conduct all necessary evaluations for the purpose of registration. Investigate complaints and, where necessary, take enforcement action. Check food handling, food safety, condition of premises and conduct of workers. Note amendment where new businesses can now request extension of time to fulfil verification obligations (Reg 94A). Ensure Plunge Café in compliance with OSH legislation.
Freedom Camping Act 2011	Part 2, Section 32 - 41	<b>No Bylaw at present.</b> Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act. Power to make freedom camping bylaws restricting or prohibiting areas of freedom camping in district with approval by Council. If a Bylaw is made, review bylaws no later than 5 years after made, and review within 10 years after initial review. Appoint enforcement officers to enforce bylaws under the Act.
Fringe Benefit Tax Act	All Sections	Ensure compliance with all relevant provisions.
Gambling Act 2003	All Sections, particularly Sections 100 to 103.	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act. Ensure the Council has a class 4 venue policy and ensure compliance with requirements regarding the adoption and review of the class 4 venue policy. Ensure compliance with requirements when considering and determining application for territorial authority consent.
Gas Act 1992	All Sections	Ensure compliance with all relevant provisions relating to works.
Goods and Services Tax Act 1985	All Sections	Accounting for GST to IRD in accordance with the requirements of the Act. Ensure the administration of GST returns
Government Roding Powers Act 1989	All Sections	Ensure compliance with all relevant provisions.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Hazardous Substances and New Organisms Act 1996	All Sections - Section 97, Section 100	Licensing of premises used for the storage of dangerous goods. Administration of enforcement: 1. Ensure provisions of the Act are enforced in the district. 2. Appoint enforcement officers.
Health (Burial) Regulations 1946	All Sections	Administer and maintain register of Funeral Directors in compliance with these regulations. Administer and maintain register of Funeral Directors in compliance with these regulations. If mortuary is re-erected/repared/alterd, then ensure it is not used as a mortuary until a certificate of fitness has been granted and produced to Council
Health (Hairdressers) Regulations 1980	All Regulations	Process applications for exemption from registration and monitoring of exemption premises. Exercise powers of local authority inspectors. Ensure that all premises required to be registered are. Conduct all necessary inspections for the purpose of registration. Investigate complaints and, where necessary, take enforcement action
Health (Infectious and Notifiable Diseases) Regulations 2016	All Regulations	Ensure compliance with reporting provisions.
Health (Registration of Premises) Regulations 1966	All Regulations	Maintain an adequate system for administration of licences.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Health Act 1956	Section 23 Section 25 Section 28 Section 69S Section 116I	Appoint Environmental Health Officer to administer the Council's obligations under this Act. Do inspections of district to identify nuisances, conditions likely to be injurious to health or offensive and arrange abatement or removal of such. In accordance with Director General enforce Health Regulations Promote bylaws for purposes of Health Act and for the protection of public health Provide Medical Officer of Health with reports as required. To provide sanitary waterworks, drainage works, wastewater works and works for the disposal of wastewater, and works for the collection and disposal of refuse, soil, and other offensive matter, including sanitary conveniences for the use of the public if requisitioned by the Director General under the Health Act 1956. To comply with a direction from the Director General of Health regarding fluoridation of drinking water. Provide sanitary swimming pools and dressing sheds.

Health and Safety at Work Act 2015	All Sections Part 2, Part 3	<p>Ensure adequate system in place for the recording and notification of accidents or hazards. Keep a register of accidents.</p> <p>Ensure that Council's duty as employer, principal and/or controller of workplace is satisfied.</p> <p>The following are the responsibility of all managers:</p> <ol style="list-style-type: none"> <li>1. To ensure safety of employees (including contractors, subcontractors, their employees, volunteers, and the public generally) in the workplace you control.</li> <li>2. To identify hazards in all of Council's workplaces.</li> <li>3. To eliminate, isolate or minimize significant hazards in the workplace you control.</li> <li>4. To monitor in the workplace you control.</li> <li>5. To keep your staff informed and to train and supervise them.</li> <li>6. To ensure that Council's duty as an employer, as a controller of a place of work and as a principal are fulfilled in the workplace you control.</li> <li>7. To ensure accidents and serious harm are recorded and notified wherever they are if you know about them.</li> </ol> <p>Ensure that Council's duty as employer, principal and/or controller of workplace is satisfied in the workplace you control.</p> <p>Ensure that Council's duty as employer, principal and/or controller of workplace is satisfied including consulting with contractors and subcontractors and other entities whose duties overlap:</p> <ul style="list-style-type: none"> <li>- eliminating or minimizing risks in your area as far as reasonably practicable</li> <li>- ensure health and safety of workers and visitors as far as reasonably practicable</li> <li>- do not put others at risk</li> <li>- provide training</li> <li>- ensure safe handling of plant, substances and structures.</li> </ul> <p>Recording and notification of accidents that affect your staff or occur in the workplace you control.</p> <p>Protect the accident site if it is in the workplace you control. If it is not in the workplace, you control and you are the first manager on the scene, protect the site until the appropriate manager is able to take steps to control it.</p> <p>Duty to engage with workers - see Sections 58-60.</p> <p>Encourage worker participation in improving work health and safety.</p>
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LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
		Ensure that processes are in place to enable Council to comply with worker engagement, participation, and representation. Ensure managers are aware of and must not be involved in adverse, coercive, or misleading conduct as defined in the Health and Safety at Work Act 2015 Sections 88 and 92.
Health and Safety in Employment (Prescribed Matters) Regulations 1993	All Sections	Ensure adequate system in place for the recording and notification of accidents or hazards. Keep a register of accidents.
Heavy Motor Vehicle Regulations 1974	All Sections	1. Vehicles must comply with regulations including obtaining Certificate of Fitness. 2. Drivers of vehicles must have a heavy traffic licence.
Heritage New Zealand Pouhere Taonga Act 2014	All Sections Section 74 Section 76 Section 97	Administration of the Act in respect of any heritage buildings owned by Council. <ul style="list-style-type: none"> <li>– Ensure that action is taken to assist in the conservation and protection of a heritage area in accordance with any recommendation received.</li> <li>– Ensure a list of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas entered on the New Zealand Heritage List is available for public inspection during business hours.</li> <li>– Administer the payment of any contributions to Heritage New Zealand Pouhere Taonga</li> </ul>
Holidays Act 2003	All Sections	To ensure that employees receive the holidays they are entitled to and ensure that employees are paid for the holidays they are entitled to.
Housing Improvement Regulations 1947	All Sections	Ensure compliance with all relevant provisions.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Human Rights Act 1993	All Sections - particularly Section 21, Section 66, Section 62A	<p>Ensure that no discriminatory practices arise.</p> <p>1. Do not discriminate on the following grounds:</p> <ul style="list-style-type: none"> <li>- sex</li> <li>- pregnancy</li> <li>- childbirth</li> <li>- marital status</li> <li>- surviving spouse or partner</li> <li>- party to a dissolved marriage or civil union</li> <li>- religious belief</li> <li>- ethical belief which includes religious belief (lack of a religious belief)</li> <li>- colour</li> <li>- race</li> <li>- ethnic or national origins</li> <li>- disability (including psychiatric illness, reliance on a disability assist dog, wheelchair or other remedial means)</li> <li>- age (person 16 years or more)</li> <li>- political opinion</li> <li>- employment status (unemployed, or on a benefit of ACC entitlement)</li> <li>- family status</li> <li>- sexual orientation.</li> </ul> <p>Victimisation of whistleblowers prohibited.</p> <p>Unlawful to treat adversely any person suspected or assumed to be a person affected by domestic violence.</p> <p>Any complaints are dealt with under the appropriate policy.</p>
Human Rights Act 1993	All Sections	Any complaints are dealt with under the appropriate policy.
Impounding Act 1955	All Sections	<p>Establishment and maintenance of a public Pound</p> <p>Appointment of Pound Keeper</p> <p>Administration of Pound including recording and setting of fees and charges</p> <p>Dealing with trespassing stock, straying, or wandering stock</p>

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Income Tax (Fringe Benefit Tax, Interest on Loans) Regulations 1995	All Regulations	All regulations as employer.
Income Tax Act 2007	All Sections	1. Administration of PAYE tax including calculation, deduction from wages/salaries and accounting to IRD. 2. Accounting for Fringe Benefit Tax to IRD in accordance with requirements of the Act.
Infrastructure Funding and Financing Act 2020	Sections relating to levies.	Ensure compliance with provisions relating to levies.
Injury Prevention, Rehabilitation and Compensation Act 2001	All Sections	Administration of internal systems in compliance with the Act and the requirements of the Accident Compensation Corporation. Administration of claims. Maintain a system of Accident and Hazard reporting.
Juries Act 1981	Section 30 Section 32A	Administration of wages whilst on jury service. Ensuring employee is not prejudiced for attending jury service.
Kiwisaver Act 2006	All Sections	Administration of Kiwisaver in regard to payroll.
Land Act 1948	Section 168	Expenditure of funds on the maintenance or embellishment of any public reserve (whether owned by the Council or not) for the benefit of the residents.
Land Drainage Act 1908	All Sections	Ensure compliance with all relevant provisions relating to maintenance of drains and watercourses and drainage works.
Land Transport (Road User) Rule 2004	All Regulations	Ensure all parking restrictions are adopted by resolution of Council. All parking restrictions under the Land Transport Act 1998 and referred to in the Council's Traffic Bylaw must, in accordance with Section 22(AB) of the Land Transport Act 1998 be adopted by Council resolution. Ensure that any new parking restrictions are adopted by Council resolution. The process includes notifying nearby residents. Maintain and review Traffic Bylaw.
Land Transport (Road User) Rule 2004 Traffic Regulations 1976	All Regulations	Enforcement of parking restrictions and other stationary vehicle offences.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Land Transport Act 1998	Part 10 Sections 138-141 Section 42A Sections 128D and 128E, Sections 251 and 253 Section 72	Administer infringement offence system for parking offences. Ensure compliance with functions in relation to the appointment of parking wardens, and the exercise of parking warden powers. Ensure compliance with functions relating to the storage and disposal of motor vehicles. Keep Council's bylaws as to the use of roads under review and arrange for amendment when new bylaws required.
Land Transport Management Act 2003	Section 7B, Section 27	Administer any responsibilities transferred to the Council from the Regional Council under this Act. Ensure any interest that a local authority has in a public transport service to which this Section applies must be held in a CCO
Land Transport Rule: Setting of Speed Limits 2022	All Sections	Record speed limits in national speed limit register and revoke Bylaws that previously set speed limits. Prepare speed management plan and ensure it is reviewed every three years.
Litter Act 1979	All Sections	Supervision of litter control officers (Section 5) Investigation and enforcement of litter offences. Provide and maintain rubbish bins as is necessary to keep areas free from litter
Local Authorities (Members' Interests) Act 1968	Subpart 3 of Part 4	To ensure that contracts entered into by Council with members do not exceed the maximum without prior Audit approval. Ensure there is a register of pecuniary interests of members that complies with the requirements in Section 54A and that a summary of the information in the register is publicly available. Appoint a Registrar to compile the register and provide advice and guidance to elected members on their obligations.
Local Electoral Act 2001	All Sections	Administration of Act including compilation of roll and conduct of elections. Review membership on basis of election three yearly. Conduct elections three yearly.
Local Electoral Regulations 2001	All Sections	Ensure that local elections are conducted in accordance with these requirements

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Local Government (Elected Members) Determination 2003	All Sections	Ensure that salaries and allowances are paid to members in accordance with this determination.
Local Government (Financial Reporting and Prudence Regulations) 2014	All Sections	Ensure compliance with all relevant provisions. Administration of financial reporting.
Local Government (Rating) Act 2002	All Sections	Ensure that the administration of rates is in accordance with this Act.
Local Government Act 1974	All Sections including. Part 21 (Roads) Part 39 (Prevention of fires), Sections 647, 648	Ensure compliance with all relevant provisions. Maintain Council roading system in compliance with this part. Ensure fire hydrants and water pipes maintained so water is available for firefighting.
Local Government Act 2002	All Sections Sections 14(d) and 81	Ensure compliance with all relevant provisions. Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes.
Local Government Act 2002	All Sections Sections 124-128 Sections 14(d) and 81	Ensure compliance with all relevant provisions. Ensure compliance with Council requirements to make assessments of drinking water, wastewater, and sanitary services and to ensure communities have safe drinking water.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Local Government Act 2002	All Sections Sections 14(d) and 81	Ensure compliance and preparation of: 1. Long Term Plan 2. Annual Plan 3. Annual Report 4. Corporate Policies 5. Statutory Policies including Significance and Engagement Policy Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes.
Local Government Act 2002	All Sections Sections 199A and 199B, Schedule 13A Sections 14(d) and 81	Ensure compliance and preparation of: 1. Long Term Plan 2. Annual Plan 3. Annual Report 4. Corporate Policies 5. Statutory Policies including Significance and Engagement Policy Ensure Council complies with statutory deadlines for processing applications for reconsideration or objections to levy of Development Contributions. Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes.
Local Government Act 2002	All Sections	Ensure compliance with all relevant provisions. Ensure compliance and preparation of corporate policies.
Local Government Act 2002	All Sections Sections 14(d) and 81	Ensure compliance with all relevant provisions. Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes.
Local Government Act 2002	All Sections Sections 14(d) and 81	Ensure compliance with all relevant provisions. Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes.
Local Government Act 2002	All Sections Sections 14(d) and 81	Ensure compliance with all provisions. Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Local Government Act 2002	Section 200 Sections 100-120	Ensure compliance with requirements relating to development contributions, including: 1. limitations applying to requirement for development contributions (Section 200). 2. the requirement for a schedule of assets for which development contributions will be used (Section 201A). Ensure compliance with all relevant provisions including ensuring all required financial policies are in place.
Local Government Act 2002	Sections 207A-207F	Ensure compliance with requirements relating to development agreements.
Local Government Members (2022/23) Determination 2022	All Sections	Ensure that salaries and allowances are paid to members in accordance with this determination.
Local Government Official Information and Meetings Act 1987	All Sections Parts 1-6 Section 44A Part 7	Ensure compliance with all relevant provisions. Satisfying requests for information (except if good reason for withholding the information exists). Ensure Land Information Memorandum include the information required under Section 44A. Providing information in a timely manner when requested, to enable responses to LGOIMA requests within the required timeframes. Ensure requirements for Council meetings are met, including requirements for public notification of meetings, agendas and conduct of meetings.
Machinery Act 1950	Section 21A	Administering permits for amusement devices.
Minimum Wage Act 1983	All Sections	Compliance with requirements for minimum wages.
Natural and Built Environment Act 2023	All Sections	Ensure compliance with all relevant provisions currently in effect.
National Animal Identification and Tracing Act 2012	Relevant Sections	Ensure compliance with all relevant provisions.
New Zealand Bill of Rights Act 1990	All Sections	Ensure compliance with NZBORA, including - 1. Rights relating to the life and security of the person; 2. Democratic and civil rights; 3. Non-discrimination and minority rights; 4. search, arrest, and detention rights

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
New Zealand Library Association Act 1939	All Sections	Administer the requirements of the Act if member of the association.
Ombudsman Act 1975	All Sections	Ensure compliance with all relevant provisions.
Oversight of all relevant legislation	All	Report any known legislative compliance risk, concern, and breach.
Parental leave and Employment Protection Act 1987	All Sections	Administration of payroll parental leave.
Parental leave and Employment Protection Act 1987	All Sections	Administration of payroll parental leave. Ensure Council's obligations as employer are met in respect of all applications made for parental leave.
Privacy Act 2020	All Sections	Ensure Council's compliance with Act in respect of: 1. Observance of information privacy principals and public register privacy principals. 2. That a privacy officer is appointed and trained. 3. Satisfying requests for personal information (except if good reason for withholding such information exists) and for correcting personal information. 4. All privacy breaches are reported.
Property Law Act and any Regulations made under the Act	All Sections	Ensure compliance with all relevant provisions.
Prostitution Reform Act 2003	All Sections	Ensure compliance with this Act, including inspect premises as and when appropriate.
Protected Disclosures (Protection of Whistleblowers) Act 2022	All Sections	Ensure compliance as a Receiver under the Act.
Psychoactive Substances Act 2013	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act.

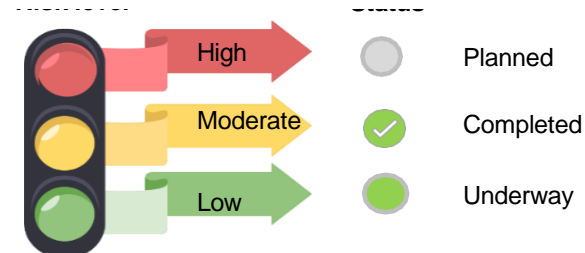
LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Public Records Act 2005	All Sections, particularly Sections 17 and 18.	Ensure that the classes of materials listed are not destroyed except with the prior approval of Chief Archivist. Maintain full and accurate records of the Council's affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.
Public Works Act 1981	All Sections Sections 17-39 Sections 40-42	Ensure compliance with all relevant provisions. Ensure compliance with Act when acquiring land under the Act. Ensure compliance with this Act when disposing of land no longer required for a public work.
Racing Industry Act 2020	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act.
Railways Act 2005	All Sections	Railway crossings are to be maintained by Council and/or Kiwi Rail in accordance with their respective obligations under this Act.
Rates Rebate Act 1973	All Sections	Process applications for rebate and grant all qualifying applications. Give information about the rebate to those who may be entitled to make an application.
Rating Valuations Act 1998	All Sections	Ensure that valuation and rating rolls are maintained in compliance with the Act.
Reserves Act 1977	All Sections	Ensure that all land that is subject to this Act is administered in compliance with the Acts requirements.
Residential Tenancies Act 1986	All Sections	Ensure that requirements of the Act are complied with.

LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Resource Management Act 1991	All Sections including 104. Sections 6(e), 7(a) and 8, subpart 2 of Part 5	<p>Ensure that requirements of the Act are complied with.</p> <p>Investigation and administration of subdivision or land use consent applications for compliance with Council's Land Development Minimum Requirements and Subdivision and Development Principles and Requirements, 2012.</p> <p>Ensure compliance with resource consents relating to discharge management of transfer stations and three closed landfills.</p> <p>Enforcement and infringements under relevant provisions of the Act.</p> <p>Administration of Act, including:</p> <ol style="list-style-type: none"> <li>1. Reviews of District Plan and preparation of resulting plan changes (particularly Sections 73 to 77M, Section 77T, Section 79, Schedule 1, and Schedule 3A).</li> <li>2. Carrying out procedures for making plan changes operative (Clause 20, Schedule 1).</li> <li>3. Fix fees and charges (Section 36 to 36AA).</li> <li>4. Maintain records, gather information and monitor (particularly, Sections 35 to 35A).</li> <li>5. Processing of private plan change applications (particularly, Part 2 of Schedule 1).</li> <li>6. Carrying out process in relation to notices of requirement for designations (Part 8).</li> <li>7. Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes.</li> </ol>
Sale and Supply of Alcohol Act 2012	All Sections Sections 186-200	<p>Administration of hearings for the Kapiti District Licensing Committee.</p> <p>Performance the functions and exercise the powers of Secretary of the Kapiti District Licensing Committee.</p> <p>Administration of the Act for Kapiti's District Licensing Committee, including:</p> <ol style="list-style-type: none"> <li>1. Process applications for licenses and managers certificates.</li> <li>2. Conducting inspections and making reports.</li> <li>3. Maintaining records.</li> <li>4. Investigating complaints and liaising with Police over enforcement.</li> </ol>
Secret Commissions Act 1910	All Sections	Advise members at least three yearly, of their personal obligations and the Auditor-General's ability to surcharge them personally in some circumstances.
Shop Trading Hours Act 1990	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act.


LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Smokefree Environments and Regulated Products Act 1990	Part 1	Ensure no Council employee smokes or vapes in a Council workplace or vehicle.
Spatial Planning Act 2023	All Sections	Ensure compliance with all relevant provisions currently in effect.
Statutory Land Charges Registration Act 1928	All Sections	Ensure compliance with all relevant provisions.
Summary Proceeding Act 1957	Section 87, 88,103	Administration of attachment order for unpaid fines. Ensure compliance with all relevant provisions.
Telecommunications Act 2001	All Sections	Ensure compliance with all relevant provisions relating to works.
Traffic Regulations 1976	All Sections	1. Enforcement of parking restrictions and other stationary vehicle offences. 2. Maintenance and review of traffic bylaws.
Trespass Act 1980	All Sections	Ensure compliance with the Act.
Unit Titles Act 2010	All Sections	Ensure compliance with all relevant provisions.
Urban Development Act 2020	Sections relating to levies.	Ensure compliance with provisions relating to levies.
Utilities Access Act 2010	All Sections	Ensure compliance with Code established under this Act.
Volunteers Employment Protection Act 1973	All Sections	Administration of voluntary and military service in regard to payroll.
Wages Protection Act 1983	All Sections	Ensure payroll system operates without infringing the requirements and obligations imposed by this Act.
Walking Access Act 2008	All Sections	1. Ensure compliance with the Act where Council is appointed as the controlling authority of walkways. 2. Make Bylaws for maintenance of walkways or conditions of use of walkways
Waste Minimisation Act 2008	All Sections	Ensure compliance with all relevant provisions.



LEGISLATION	PART/SECTION/ REGULATION	AREA OF RESPONSIBILITY
Water Services Act 2021	All Sections	<p>1. If local authority supplies drinking water - ('drinking water' defined in Section 6, 'drinking water supplier' defined in Section 8).</p> <ul style="list-style-type: none"><li>- Must comply with Part 2 including duty to supply safe drinking water, duty to provide sufficient quantity of drinking water</li></ul> <p>2. If local authority is a 'drinking water network operator' (as defined in s 140) - subpart 8 applies.</p> <ul style="list-style-type: none"><li>- Must give information requested to Taumata Arowai</li><li>- Keep records</li></ul>
Wild Animal Control Act 1977	Part 4, Section 30 -31	<p>To ensure that any destruction of wild animals in the District is undertaken in accordance with a plan approved by the Minister.</p> <p>Administration of Act including the decision to apply funds to the destruction of wild animals.</p>



### Attachment 2: Legislative compliance breaches 1 October 2023 – 31 December 2023






Non-compliance description	Group	Type	Date Received	Corrective Action	Risk Level	Status
<b>New matters</b>						
An elected member posted an email between member of the public and elected members to their social media feed without that individual's consent.	People and Partnerships	Privacy	Q4 2324	<b>Q2 2324</b> Staff informed the member of the breach of the Privacy Act. The relevant post was updated so that it no longer included personal information. Elected member advised of obligations under the Privacy Act.	Low	Completed ✓
Local Government Official Information and meetings Act 1987 statutory timeframes not met.	People and Partnerships	LGOIMA	Q2 2324	<b>Q2 2324</b> There was one instance where we did not meet the statutory timeframes in the LGOIMA Act. The reason was that the request was not received by the Legal Support Services and Official Information Team in a timely manner. Once received (day 20), the request was responded to within 9 working days. Ongoing training is being provided to staff.	Low	Completed ✓
The council's Building Consent Authority failed to grant all of the approved building consents and issue code compliance certificates within the statutory 20-day timeframe as set out in the NZ Building Act 2004. Approximately 6% of building consents granted within the period were granted outside the 20-day timeframe. Approximately 2% of code compliance certificates were issued outside of the 20-day timeframe during this period.	Regulatory Services	Building Consents	Q2 2324	<b>Q2 2324</b> Steps have been taken to mitigate this via extra training for officers as well as appointment of additional contractors to supplement in house resources.	Low	Completed ✓

Non-compliance description	Group	Type	Date Received	Corrective Action	Risk Level	Status
<b>New matters</b>						
The Resource Consents team was unable to process some applications within the 20 day timeframe as prescribed within the RMA. This time frame was exceeded largely due to; 1. Historically older applications coming off hold at a time when District Plan Change 2 came into effect requiring further analysis. 2. The team having to manage a high vacancy rate for Resource Consents Planners and Development Engineers.	Regulatory Services	Resource consents	Q2 2324	<b>Q2 2324</b> Action was undertaken to recruit with vacancies being advertised however the unit has been unable to fill the positions and contractors are being used in the interim.	<b>Low</b>	<u>Completed</u> 

Non-compliance description	Group	Type	Date Received	Corrective Action	Risk Level	Status
<b>Previously reported matters</b>						
Given we have volumetric water charges, we do not fully comply with the Local Government (Rating) Act 2002 that requires the Council to fully assess each property's total rates for the rating year.	Corporate Services	Rating	2014	<b>Q4 2223</b> Compliance not possible given we have volumetric water charges.	Low	Ongoing 
Likely non-compliance with respect to the Council's "Water devices loan" scheme and the requirements under the "Credit Contracts and Consumer Finance Act" (CCCFA). Legal advice obtained that the scheme likely amounts to a 'consumer credit contract' triggering responsible lending and disclosure requirements under the CCCFA. Significant work would be required by staff to comply with these requirements (which are not well suited to a local government context) and would have ongoing resourcing implications.	Corporate Services	Loan	Q1 2324	<b>Q1 2324</b> We have recently engaged Simpson Grierson to review the current scheme offered and to assess whether our terms are compliant with the CCCFA legislation. <b>Q2 2324</b> Council has taken interim measures to discontinue the water device loan scheme including amending information on the Council website and pausing the loan scheme (customers can purchase the devices outright). Further consideration required by the relevant team and in-house legal on whether Council will take steps to comply with CCCFA requirements.	Low	Completed 

Non-compliance description	Group	Type	Date Received	Corrective Action	Risk Level	Status
<b>Previously reported matters</b>						
Staff not following the "one-up" authorisation process as noted in the "General Expense" corporate policy.	Corporate Services	Unauthorised Expenditure	Q1 2324	<p><b>Q1 2324</b> Where possible, the EPOs have been reopened and reauthorised by the appropriate budget manager. Other non-compliance examples are due to timing and the nature of purchases made, which are generally of a low value nature. There is ongoing work with the business units to remind them of the recently updated General Expense policy and the need for compliance (re Internal controls) and also offering training as and when required.</p> <p><b>Q2 2324</b> Auditor EY is satisfied we now comply.</p>	Low	Completed 
Compliance with discharge conditions in the resource consent for the Otaihangā Landfill remains difficult and is managed through a Leachate Management Plan in collaboration with GWRC and our annual monitoring reports. There was an incident during stormwater works at the landfill where an unexpected discharge from the landfill was released into the leachate drain.	Infrastructure Services	Resource Consents	Q4 2223	<p><b>Q4 2223</b> Greater Wellington Regional Council (GWRC) has been notified by the Waste Projects Manager and additional samples have been taken and discussed. It is managed through existing compliance discussions with the monitoring officer for GWRC. It has not been categorised as a non-compliance by GWRC, but a final report is to be submitted once all of the additional test results are back.</p> <p><b>Q1 2324</b> The final report has been commissioned to be submitted late October.</p> <p><b>Q2 2324</b> The landfill leachate incident is now complete. No further action is required, report submitted to GWRC.</p>	Low	Completed 

Non-compliance description	Group	Type	Date Received	Corrective Action	Risk Level	Status
<b>Previously reported matters</b>						
Council has an ongoing breach of its resource consent for Otaki Wastewater Treatment Plant (WGN160002) due to elevated diagnostic reference levels(DRL) of dissolved reactive phosphorous (DRP). The Council has exceeded this limit since monitoring commenced in 2017, and GWRC first recorded this non-compliance in the 2019 compliance report. GWRC issued a warning letter on 30 November 2022 and the Council has engaged consultants to investigate the issue. An investigation was not undertaken in 2019 as Council's consultants were negotiating with GWRC to exceed the trigger level for DRP in the consent, and staff changes and shortages at the time prevented further actions being undertaken. The purpose of the investigation undertaken was to identify options for ongoing compliance within the limits.	Infrastructure Services	Resource Consents	Ongoing – initially raised in 2019	<p><b>Q4 2223</b> Investigation underway after scope of investigation was approved by both Iwi and GWRC.</p> <p><b>Q1 2324</b> Investigation complete and recommendations are being implemented to reduce DRP. We've received the final investigation report from Stantec and will submit this to GWRC. We have agreed on several recommendations that will be implemented, including further planting on the Land District Treatment Area (LDTA) and lining the aeration pond. These measures are anticipated to reduce DRP in the groundwater.</p> <p><b>Q2 2324</b> Investigation completed, shared the reports, and have received the approval from GWRC and Nga Hapu Otaki for the implementation of remedial measures. Identified improvement programmes include the upgrade of LDTA, Planting in and around LDTA, installation of a DAF unit, upgrade of the aeration system and lining of the aeration lagoon. Application for resource consent is underway for LDTA upgrade. Upgrade of Aeration System, lining of the Lagoon and installation of DAF can only be possible on completion of the upgrade of inlet work currently in progress. All identified improvement programme expected to be finished</p>	Low	Completed 

Non-compliance description	Group	Type	Date Received	Corrective Action	Risk Level	Status
<b>Previously reported matters</b>						
				by mid-2024. This non-compliance is now deemed as closed.		
Historical procurement breach relates to Takutai Kāpiti and previous procurement undertaken by staff. Three pieces of work with two providers appear to have no contracts in place, or procurement paperwork.	Strategy and Growth	Takutai Kāpiti	Q1 2324	<p><b>Q1 2324</b> Breach identified in this Q1 of 2023/24. Staff are not yet clear if this is because it has not been filed and the person has left, or if it just is not in place. Staff are taking action to document the issue.</p> <p><b>Q2 2324</b> Staff have reviewed archived and available documents to confirm status of procurement in question. Subsequent issues will be shared with the procurement and audit/risk teams. Where appropriate, necessary procurement documentation for work currently in-track will be introduced.</p>	Low	Underway 
Under section 35(2AA) of the RMA: Every local authority must, at intervals of not more than 5 years, compile and make available to the public a review of the results of its monitoring under subsection (2)(b). If the five-year interval starts when the District Plan provisions were made operative, then for most of the plan there will not need to be a s35(2AA) review made public until 2026. However, the coastal hazard provisions were withdrawn in 2014, following which a suite of litigation ensued, and a suite of provisions from the 1999 Operative District Plan have continued to apply since	Strategy and Growth	District Plan	Q4 2223	<p><b>Q4 2223</b> To address the suggested non-compliance, Council is currently scoping a section 35 review of those provisions.</p> <p><b>Q1 2324</b> Update: Technically we have not met requirements around updating the operative district plans chapters on coastal hazards. This is required every 10 years. Due to previous litigation on this matter, and an agreement to undertake community engagement work via Takutai Kapiti which will not finish until May 2024, we will not complete the district plan change until 2025/26. Our district is not alone in having complication with this work. The community disagrees with</p>	Low	Underway 

Non-compliance description	Group	Type	Date Received	Corrective Action	Risk Level	<u>Status</u>
<b>Previously reported matters</b>						
that time. Accordingly, it could be determined that these provisions are overdue for s35 review. This issue is not a surprise for Council, who are aware of the issue and work programme underway through Takutai Kāpiti.				guidance provided by the Ministry for the Environment on coastal hazard identification. In October, we have written to the Ministry for the Environment and Department of Conservation about these issues and asked them to clarify expectations for local authorities. <b>Q2 2324</b> Responses received from MfE and DOC provided useful clarification, and have been made available on the Council website. Takutai Kapiti continues to make significant progress towards a final set of recommendations, including recommendations intended to inform Council's approach to a future coastal plan change, which will be received by Council at a meeting in June 2024. The Section 35 review will be completed in 2024 in time to incorporate any necessary changes into the coastal plan change, which will be publicly notified in mid 2025.		

**8.9 FORWARD WORK PROGRAMME 2024 FOR RISK AND ASSURANCE COMMITTEE**

Kaituhi | Author / Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

**TE PŪTAKE | PURPOSE**

- 1 This report seeks agreement to the forward work programme for the Risk and Assurance Committee in 2024.

**HE WHAKARĀPOOTO | EXECUTIVE SUMMARY**

- 2 An executive summary is not required for this report.

**TE TUKU HAEPAPA | DELEGATION**

- 3 The Risk and Assurance Committee (Committee) has the delegation to consider this matter under the section of Part C.3 of the Governance Structure and Delegations 2022-2025 Triennium which states: *"This committee is responsible for monitoring the Council's financial management, financial reporting mechanisms and framework, and risk and assurance function, ensuring the existence of sound internal systems."*

**TAUNAKITANGA | RECOMMENDATIONS**

- A. That the Risk and Assurance Committee approves its Forward Work Programme for the 2024 calendar year as set out in Appendix 1 to this report.

**TŪĀPAPA | BACKGROUND**

- 4 The work programme for 2024 needs to be discussed and agreed at this meeting. While the Chief Executive retains responsibility for approving the Committee agenda, this report provides an opportunity for the Committee to discuss and endorse its work programme going forward.

**HE KŌRERORERO | DISCUSSION**

- 5 The 2024 forward work programme for the Risk and Assurance Committee as developed by the Group Manager Corporate Services is attached in Appendix 1 to this report.

**He take | Issues**

- 6 The establishment and presentation of the forward work programme is in accordance with the Office of the Auditor General's best practice guidance. This approach is used by other Councils throughout New Zealand.
- 7 That same best practice also provides for the Committee to review its forward work programme at each subsequent meeting to ensure it remains relevant and can be adapted to changes in the Council's top 10 organisational risks, as detailed in a separate report to this Committee.

**Ngā kōwhiringa | Options**

- 8 The Committee can consider and if necessary, make amendments to the forward work programme attached as Appendix 1 to this report.

**Tangata whenua**

- 9 Whilst this report does not directly affect tangata whenua, any such considerations will be included where appropriate in other reports presented to the Committee as part of the approved work programme.

**Panonitanga āhuarangi | Climate change**

10 There are no climate change considerations for this report.

**Ahumoni me ngā rawa | Financial and resourcing**

11 There are no additional financial considerations for this report.

**Ture me ngā Tūraru | Legal and risk**

12 There are no legal considerations or risks for this report.

**Ngā pānga ki ngā kaupapa here | Policy impact**

13 There is no impact on existing Council policies.

**TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT****Te mahere tūhono | Engagement planning**

14 No engagement planning is required for this report.

**Whakatairanga | Publicity**

15 The approved forward work programme will be publicised through the publication of the agenda and minutes of the Council meetings.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

1. Forward Work Programme 2024 [↗](#)

Forward work programme of Risk and Assurance Committee - 2024

Area of Work (as per OAG) and Lead	Risk and Assurance Committee - Forward work programme 2024			
	Meeting #2 – 23 May 24	Meeting #3 – 15 August 2024	Meeting #4 – 15 October 2024	Meeting #5 – 21 November 2024
<b>Forward work programme</b> <i>GM, Corporate Services</i>	Work Programme	Work Programme		Work Programme
<b>Assurance</b> <i>GM, Corporate Services</i>	Internal Audit activities update	Internal Audit activities update		Internal Audit activities update
<b>Enterprise Risk</b> – <b>Top 10 Organisational Risks</b> <i>GM, Corporate Services</i>  – <b>Audit Control Findings</b> <i>GM, Corporate Services</i>	Top 10 Organisational Risk Report	Top 10 Organisational Risk Report		Top 10 Organisational Risk Report
	Progress Update regarding Audit Control Findings 2022/23	Progress Update regarding Audit Control Findings 2022/2023		Control Findings for the year ended 30 June 2024
<b>Health, Safety and Wellbeing</b> <i>Organisational Development Manager</i>	Health and Safety Quarterly Report: Jan to March 2024	Health and Safety Quarterly Report: April to June 2024		Health and Safety Quarterly Report: July to September 2024
<b>Annual report</b> <i>GM, Corporate Services</i>			<ul style="list-style-type: none"><li>• Draft Annual Report 2023/24</li><li>• Ernst &amp; Young Close-Out Report</li></ul>	
<b>Annual budget 2023/24</b> <i>GM, Corporate Services</i>	Quarterly Treasury Compliance Jan to March 2024	Quarterly Treasury Compliance April to June 2024		Quarterly Treasury Compliance July to September 2024
<b>External Audit</b> <i>Ernst &amp; Young</i>	Ernst & Young Audit Plan for the Year ended 30 June 2024			
<b>Legal Risk</b> <i>GM, People and Partnerships</i>	Update on Litigation Status, Statutory Compliance Issues and Investigations: Jan to March 2024	Update on Litigation Status, Statutory Compliance Issues and Investigations: April to June 2024		Update on Litigation Status, Statutory Compliance Issues and Investigations: July to September 2024
<b>Insurance</b> <i>GM, Corporate Services</i>	2024/25 Insurance Renewals			
<b>Emergency Management</b> <i>GM, Regulatory Services</i>	Emergency Management Response Update	Emergency Management Response Update		Emergency Management Response Update

**9 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES****9.1 CONFIRMATION OF MINUTES**

**Author:** Jessica Mackman, Senior Advisor, Democracy Services

**Authoriser:** Mark de Haast, Group Manager Corporate Services

**TAUNAKITANGA | RECOMMENDATIONS**

That the minutes of the Risk and Assurance Committee meeting of 9 November 2023 be accepted as a true and correct record.

**NGĀ ĀPITI HANGA | ATTACHMENTS**

1. Minutes of Risk and Assurance Committee Meeting - 9 November 2023 [↓](#)

## RISK AND ASSURANCE COMMITTEE MEETING MINUTES

9 NOVEMBER 2023

**MINUTES OF KAPITI COAST DISTRICT COUNCIL  
RISK AND ASSURANCE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, GROUND FLOOR, 175 RIMU ROAD, PARAPARAUMU  
ON THURSDAY, 9 NOVEMBER 2023 AT 9.30AM**

**PRESENT:** Mr David Shand, Mayor Janet Holborow, Deputy Mayor Lawrence Kirby (via Zoom), Cr Liz Koh, Cr Jocelyn Prvanov, Cr Glen Cooper, Mr David Cochrane (via Zoom)

**IN ATTENDANCE:** Cr Martin Halliday, Mr Cam Butler, Mr Bernie Randall, Mr Bede Laracy, Mr Mark de Haast, Ms Kate Coutts, Mr Darren Edwards, Mr Evan Dubisky, Ms Anna Smith, Ms Maria Cameron, Ms Jing Zhou, Ms Dianne Andrew, Ms Sharon Foss, Ms Nienke Itjeshorst, Mr James Jefferson, Ms Hara Adams, Mr Sean Mallon, Mr Sam Nicolle (external, Ernst & Young), Ms Angela Bell, Mr Mike Mendonça

**APOLOGIES:** Mr Richard Mansell, Ms Oriwia Raureti

**LEAVE OF ABSENCE:** Nil

**1 WELCOME**

**2 COUNCIL BLESSING**

The Chair welcomed everyone to the meeting and read the Council blessing.

**3 APOLOGIES**

**APOLOGY**

**COMMITTEE RESOLUTION RAC2023/36**

Moved: Mayor Janet Holborow

Seconder: Cr Liz Koh

That the apologies received from Mr Richard Mansell and Ms Oriwia Raureti be accepted.

**CARRIED**

**4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

There were no declarations of interest.

**5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA**

No members of the public requested to speak at the meeting.

**6 MEMBERS' BUSINESS**

- (a) There were no responses to public speaking time required.
- (b) There were no leave of absences requested.
- (c) No Matters of an Urgent Nature were raised.

## RISK AND ASSURANCE COMMITTEE MEETING MINUTES

9 NOVEMBER 2023

**7 HE KŌRERO HOU | UPDATES**

No updates were presented.

**8 PŪRONGO | REPORTS****8.1 HEALTH AND SAFETY QUARTERLY REPORT :  
1 JULY 2023 - 30 SEPTEMBER 2023**

Dianne Andrew, Organisational Development Manager took the report as read and provided context regarding an incident in the report, at the Chair's request. Dianne Andrew and Sean Mallon, Group Manager Infrastructure Services answered questions from members regarding this incident and its background. Cr Koh and Cr Prvanov suggested that the report be brought to a Council meeting; and Darren Edwards, Chief Executive responded that this report is publicly available. Mayor Janet Holborow reiterated that this Committee is delegated the authority to consider these matters without Council approval.

**COMMITTEE RESOLUTION RAC2023/37**

Moved: Mr David Shand  
Seconder: Cr Glen Cooper

- A. That the Risk and Assurance Committee notes the Health and Safety Quarterly Report for the period 1 July 2023 – 30 September 2023 attached as Appendix One to this Report.

**CARRIED****8.2 REPORT ON CONTROL FINDINGS FOR THE YEAR ENDED 30 JUNE 2023**

Sam Nicolle (External presenter from Ernst & Young) took the report as read and answered questions from members.

**COMMITTEE RESOLUTION RAC2023/38**

Moved: Mr David Shand  
Seconder: Cr Jocelyn Prvanov

- A. That the Risk and Assurance Committee:
- A.1 receives this report, including Ernst & Young's Report on Control Findings for the year ended 30 June 2023, attached as Appendix 1 to this report, and
  - A.2 notes that:
    - A.2.1 regular progress updates against the Control Findings will be provided; and
    - A.2.2 Ernst & Young will re-assess these Control Findings when they complete their audit for the financial year ended 30 June 2024.

**CARRIED****8.3 QUARTERLY TREASURY COMPLIANCE**

Jing Zhou, Chief Financial Officer took the report as read.

**COMMITTEE RESOLUTION RAC2023/39**

Moved: Mr David Shand

**RISK AND ASSURANCE COMMITTEE MEETING MINUTES****9 NOVEMBER 2023**

Seconded: Mayor Janet Holborow

- A. That the Risk and Assurance Committee notes the Council's full compliance with its Treasury Management Policy for the three months ended 30 September 2023.

**CARRIED**

**8.4 TOP 10 ORGANISATIONAL RISK REPORT**

Nienke Itjeshorst, Lead Risk and Assurance Advisor took the report as read and answered questions from members. Members discussed their concerns about cybersecurity. Mark de Haast, Group Manager Corporate Services clarified that this report is meant to discuss overall risks rather than specific security incidents, and that an auditor has reviewed the systems of the Council, and that subject matter experts determine risk.

**COMMITTEE RESOLUTION RAC2023/40**

Moved: Mr David Shand

Seconded: Cr Jocelyn Prvanov

- A. That the Risk and Assurance Committee receives and notes this report, including Appendix 1 to this report.

**CARRIED**

**8.5 INTERNAL AUDIT WORK PROGRAMME - PROGRESS UPDATE**

Sharon Foss, Business Improvement Manager took the report as read.

**COMMITTEE RESOLUTION RAC2023/41**

Moved: Mayor Janet Holborow

Seconded: Cr Liz Koh

- A. That the Risk and Assurance Committee receives and notes the Internal Audit progress update on the work programme for 2023.

**CARRIED**

**8.6 LEGISLATIVE COMPLIANCE – 1 JULY TO 30 SEPTEMBER 2023**

Fiona Story, Team Leader Legal Support Services and Official Information took the report as read and answered questions from members. Members discussed the nature of legislative compliance.

**COMMITTEE RESOLUTION RAC2023/42**

Moved: Cr Liz Koh

Seconded: Mayor Janet Holborow

- A. That the Risk and Assurance Committee:

- A.1 notes legislative non-compliance for the first quarter of the financial year from 1 July 2023 to 30 September 2023.

**CARRIED**

**RISK AND ASSURANCE COMMITTEE MEETING MINUTES****9 NOVEMBER 2023****8.7 FORWARD WORK PROGRAMME 2024 FOR RISK AND ASSURANCE COMMITTEE**

The Chair opened discussion on this report by announcing he would be writing a paper for the first meeting of the new year on whether the role of the committee is sufficient and if asset resilience can be reviewed.

**COMMITTEE RESOLUTION RAC2023/43**

Moved: Cr Jocelyn Prvanov

Seconder: Cr Liz Koh

- A. That the Risk and Assurance Committee approves its Forward Work Programme for the 2024 calendar year as set out in Appendix 1 to this report.

**CARRIED**

**9 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES****9.1 CONFIRMATION OF MINUTES - 21 SEPTEMBER 2023****COMMITTEE RESOLUTION RAC2023/44**

Moved: Mr David Shand

Seconder: Cr Liz Koh

That the minutes of the Risk and Assurance Committee meeting of 21 September 2023 be accepted as a true and correct record.

**CARRIED**

**10 PUBLIC EXCLUDED REPORTS****RESOLUTION TO EXCLUDE THE PUBLIC****PUBLIC EXCLUDED RESOLUTION RAC2023/45**

Moved: Mr David Shand

Seconder: Mayor Janet Holborow

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

The general subject matter 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 are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>10.1 - Litigation and External Investigations Report</b>	Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons,	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting

Page 4

## RISK AND ASSURANCE COMMITTEE MEETING MINUTES

9 NOVEMBER 2023

	<p>including that of deceased natural persons</p> <p>Section 7(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>Section 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<b>CARRIED</b>		

The Te Komiti Whakamauru Tūraru | Risk and Assurance Committee meeting went into public excluded session at 10:56am.

**COMMITTEE RESOLUTION RAC2023/47**

Moved: Mr David Shand  
 Seconder: Mayor Janet Holborow

That the Te Komiti Whakamauru Tūraru | Risk and Assurance Committee moves out of a public excluded meeting.

**CARRIED**

The Te Komiti Whakamauru Tūraru | Risk and Assurance Committee came out of public excluded session at 11:21am.

**10.1 LITIGATION AND EXTERNAL INVESTIGATIONS REPORT****COMMITTEE RESOLUTION RAC2023/48**

Moved: Mr David Shand  
 Seconder: Mayor Janet Holborow

A. That the Committee:

A.1 note the status of litigation and external investigations for quarter 1 of the 2023-24 financial year.

## RISK AND ASSURANCE COMMITTEE MEETING MINUTES

9 NOVEMBER 2023

A.2 agree that this report and Attachment 2 be released from public excluded business; and agree that Attachment 1 of this report be excluded from public release to protect the privacy of natural persons and the obligation of confidence (Section 7(2)(a) and Section 7(2)(c)(i) of the Local Government Official Information and Meetings Act 1987).

A.3 agree that the resolutions be released from public excluded business.

**CARRIED**

**Appendices**

- 1 Report Released from Public Excluded

The Chair invited Mayor Janet Holborow to recite a closing karakia.

**The Te Komiti Whakamauru Tūrarū | Risk and Assurance Committee meeting closed at 11:23am.**

.....  
**HEAMANA | CHAIRPERSON**

**10 TE WHAKAŪNGA O NGĀ ĀMIKI KĀORE E WĀTEA KI TE MAREA |  
CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

**11 PURONGO KĀORE E WĀTEA KI TE MAREA | PUBLIC EXCLUDED REPORTS**

**RESOLUTION TO EXCLUDE THE PUBLIC**

**PUBLIC EXCLUDED RESOLUTION**

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

The general subject matter 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 are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>10.1 – Confirmation of Public Excluded Minutes</b>	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>Section 7(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>Section 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>11.1 - Litigation and External Investigations Report</b>	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>Section 7(2)(c)(i) - the withholding of the information</p>	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for

	<p>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>Section 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>withholding would exist under section 6 or section 7</p>
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## 12 CLOSING KARAKIA