



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 14 September 2010

location: council chambers

time: 6:30 p.m.



mission statement

***“To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment”***

ORDINARY MEETING

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 214 **GM - High Level Risk Assessment and Development of a Draft Strategic Internal Audit Plan - (104746, 91369, 95496, 79351)**

Previous Item: 7, Audit Committee (3 March 2010)
 1, Audit Committee (18 August 2010)

REPORT:

Executive Summary

A meeting of the Audit Committee was held on 18 August 2010. The Committee has considered and made a recommendation regarding a High Level Risk Assessment and a Draft Strategic Internal Audit Plan. The Committee's recommendation now requires Council's consideration to enable action to be taken.

It is recommended that the High Level Risk Assessment be received and noted and the Draft Strategic Internal Audit Plan be adopted.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

In April 2010, IAB Services (IAB) was engaged to carry out a High Level Risk Assessment and the development of a three year Draft Strategic Internal Audit Plan for Council. IAB completed the High Level Risk Assessment and Draft Strategic Internal Audit Plan in August 2010.

The Audit Committee at its meeting on 18 August 2010 gave consideration to the High Level Risk Assessment and three year Draft Strategic Internal Audit Plan prepared by IAB. The minutes of the Audit Committee's meeting of 18 August 2010 are included as a separate agenda item to this meeting.

A copy of the report considered by the Audit Committee, together with copies of IAB's High Level Risk Assessment and Draft Strategic Internal Audit Plan, are attached as Attachment 1 to this report.

Following consideration of this matter, the Audit Committee made the following recommendation.

"That:

- 1. The High Level Risk Assessment dated August 2010 and prepared by IAB Services for Hawkesbury City Council be received and noted.*
- 2. The Draft Strategic Internal Audit Plan dated August 2010 and prepared by IAB Services for Hawkesbury City Council be adopted for a three year period commencing from 1 January 2011 to 31 December 2013."*

The above recommendation now requires Council's consideration to enable action to be taken in relation to the three year Strategic Internal Audit Plan.

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The three year Strategic Internal Audit Plan is based on the highest identified risk areas in Council and will provide a direction for which areas within Council will be audited over the next three years.

It is recommended that Council adopt the above Audit Committee's recommendation.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have transparent, accountable and respected leadership and an engaged community.

Financial Implications

If the Strategic Internal Audit Plan is adopted the various audits contained in the Plan will be carried out by Council's Internal Auditor (yet to be appointed) and/or outsourced. Funding is available in the current Budget for the appointment of an Internal Auditor and the outsourcing of some audits.

RECOMMENDATION:

That:

1. The High Level Risk Assessment dated August 2010 and prepared by IAB Services for Hawkesbury City Council be received and noted.
2. The Draft Strategic Internal Audit Plan dated August 2010 and prepared by IAB Services for Hawkesbury City Council be adopted for a three year period commencing from 1 January 2011 to 31 December 2013.

ATTACHMENTS:

AT - 1 Item 1 - Report to Audit Committee Meeting of 18 August 2010.

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Attachment 1 - Item 1 - Report to Audit Committee Meeting of 18 August 2010

ITEM: 1 Business Paper - Ordinary Meeting Agenda - 14 September 2010

Previous Item: 7, Audit Committee (3 March 2010)

REPORT:

The Audit Committee, at its meeting on 3 March 2010, considered a report regarding a proposal from IAB Services (IAB) for a High Level Risk Assessment and the development of a Strategic Internal Audit Plan.

At that meeting, the Committee resolved as follows:

"That the proposal dated 19 January 2010 from IAB Services for a Risk Assessment and the development of a Draft Strategic Audit Plan be accepted."

In accordance with the above resolution IAB was engaged to carry out a High Level Risk Assessment and the development of a Draft Strategic Internal Audit Plan.

IAB has indicated that the key steps involved in its review process comprised of the following:

- Examining relevant available documentation including Council's Strategic Community Plan 2010-2030, Management Plans and Annual Reports and other relevant information.
- Interviewing key senior staff members for insight into Council's operations, control environment, issues, challenges, risk exposures and most importantly where internal audit effort could be focused for maximum value.
- The information collected from documentation examined and interviews conducted was analysed and used to produce a High Level Risk Register and a Draft Strategic Internal Audit Plan for the three year period from 1 July 2010 to 30 June 2013.

The Risk Assessment and Internal Audit Plan has now been finalised and a copy of IAB's High Level Risk Assessment and Draft Strategic Internal Audit Plan for Hawkesbury City Council dated August 2010 is attached as Attachment 1.

It is recommended that the High Level Risk Assessment from IAB be received and noted and that the three year Draft Strategic Internal Audit Plan from IAB be adopted by the Audit Committee.

Mr George Gulyas - Senior Consultant from IAB Services will be in attendance at the Audit Committee to answer any questions in regard to this matter.

RECOMMENDATION:

That:

1. The High Level Risk Assessment dated August 2010 and prepared by IAB Services for Hawkesbury City Council be received and noted.
2. The Draft Strategic Internal Audit Plan dated August 2010 and prepared by IAB Services for the three year period from 1 July 2010 to 30 June 2013 for Hawkesbury City Council be adopted.

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ATTACHMENTS:

- AT - 1** High Level Risk Assessment and Draft Strategic Internal Audit Plan for Hawkesbury City Council
- IAB Services dated August 2010.

AT - 1 High Level Risk Assessment and Draft Strategic Internal Audit Plan for Hawkesbury City Council - IAB Services dated August 2010.



HAWKESBURY CITY COUNCIL (HCC)

Review of

**DEVELOPMENT OF A STRATEGIC
INTERNAL AUDIT PLAN**

IAB Job No. HAWCOU0101

FINAL AUGUST 2010

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

INTRODUCTION

In accordance with our Proposal dated 19 January 2010, we have conducted a high level review of Hawkesbury City Council's (HCC's) current operating environment, including its key functions to formulate Council's three (3) year Strategic Internal Audit Plan for the period July 2010 to June 2013. The Plan is designed so that the highest business risks receive early coverage and there is some consideration of the Internal Audit Guidelines issued by the Division of Local Government (DLG).

APPROACH

Our approach has not involved a detailed risk assessment; a full evaluation of the risks/issues identified should be undertaken in due course, as part of Council's planned implementation of Enterprise Risk Management (ERM) and the next Strategic Internal Audit planning cycle. The key steps involved in our review process comprised the following:

- Examining relevant available documentation including Council's Strategic Community Plan 2010-2030, Management Plans and Annual Reports and other, relevant, information.
- Interviewing key senior staff members for insight into HCC's operations, control environment, issues, challenges, risk exposures and most importantly where internal audit effort could be focused for maximum value.
- The information collected from documentation examined and interviews conducted was analysed and used to produce a High Level Risk Register and a Draft Strategic Internal Audit Plan for the next three (3) years.

HIGH LEVEL RISK ASSESSMENT/REGISTERS/RISK PLAN

To record our findings from the examination of documentation/interviews, we have prepared a high level risk register/issues log. This is included in **Attachment A** for your information and could inform the development of ERM risk registers/risk management plans.

STRATEGIC INTERNAL AUDIT PLAN FOR JULY 2010 TO JUNE 2013

From the high-level risk assessment, we have prepared an achievable draft three (3) year Strategic Internal Audit Plan for the three (3) year period 1 July 2010 to 30 June 2013.

The Plan focuses on what we consider to be High Risk areas after discussions with Management.

The Plan which is included in **Attachment B**, records the areas to be audited, categorised under the headings of Operational/Strategic, Information Technology and Compliance/Internal Control Reviews.

EXECUTIVE SUMMARY

RECOMMENDATION

From the review work undertaken, we recommend that the Draft Strategic Internal Audit Plan included in this report be reviewed by the Executive Management Committee (ExCom) and the Audit Committee as soon as practicable.

ACKNOWLEDGEMENT

We would like to acknowledge the assistance provided by Council Management during the course of our review.

ACCOUNTABILITY AND RESPONSIBILITY

IAB Services takes responsibility for this report, which is prepared on the basis of the limitations, set out below.

The matters raised in this report are only those that came to our attention during the course of our review and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. HCC should assess recommendations for improvements for their full commercial impact before they are implemented. This report has been prepared solely for the use of HCC and should not be quoted in whole or in part without our prior written consent. No responsibility to any third party is accepted as the report has not been prepared, and is not intended, for any other purpose.

Contact Persons	Telephone Number	Title
Steve Kent	9261 9107	Director Risk Management & Consulting Services
George Gulyas		Senior Consultant

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ATTACHMENTS

ATTACHMENT A: HIGH LEVEL RISK REGISTER/ISSUES LOG

EXPLANATORY COMMENTS

As a result of our review of relevant documentation and interviews with key management, we have identified and recorded in the register attached as Schedule I, a number of significant risks and issues for consideration during our audit planning. As we have not conducted a detailed enterprise-wide risk assessment, nor fully evaluated the risks/issues identified, including the related control environment, this listing of items should not be seen as exhaustive.

By way of explanation, the register provides the following information:

- risk/issue reference number
- the nature of the risk or issue identified
- the functional area to which the item relates
- general domain to which the item relates
- a suggested mitigation response
- indication as to whether the item has been included in the Draft Strategic Internal Audit Plan.

The register may be provided to the Co-ordinator Risk Management and, after updating, will be useful in future risk and audit planning activities.

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SCHEDULE 1 - HIGH LEVEL RISK REGISTER/ISSUES LOG

No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
1	Risk management policy and strategies	General Manager	Insurance and Risk Management - Council Risk Management Strategy	Establish policy and Council-wide response plans with clear links between governance, strategic and operational objectives	No
2	Council assets and insurable exposures cover	General Manager	Insurance and Risk Management - Insurance	Annual professional review of (all) Council insurance requirements and self-insurance strategy	No
3	OH&S compliance systems and operational processes	General Manager	Insurance and Risk Management - OH&S	Council Policy and Operational Standards informing OH&S operational processes	Yes
4	Council and public buildings and sites access security	General Manager	Insurance and Risk Management - OH&S	Maintain a professionally designed, public building, work site and sensitive work area security plan	No
5	Workers' Compensation claims processing	General Manager	Insurance and Risk Management - Workers Compensation Insurance	Review Council Policy and Operational Standards for claims assessment and rehabilitation processes	Yes
6	Customer Requests, Reports and Complaints handling	General Manager	Customer Services	Regular reporting of all stakeholder complaints and remedies	Yes
7	Provision of information to the public	Support Services	Corporate Services and Governance	Review processes against Council Policy and government guidelines	Yes
8	Issues management	General Manager	Corporate Communication	Effective Council Media Communications Strategy and prompt attention to issues arising	No

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
9	Council financial planning, management and reporting processes	General Manager	Executive Management - Stewardship and Accountability – Financial Planning and Reporting	Council approved annual budgets and Council Audit Committee oversight of performance	No
10	Council senior management staff position descriptions and job profiles	General Manager	Executive Management - Stewardship and Accountability – Governance Framework	Financial regulations, formalized roles and responsibilities for Council, Council Audit Committee and senior managers, delegations	No
11	Council's risk management policy and strategies not clear	General Manager	Executive Management - Stewardship and Accountability – Risk Management Strategy	Clear links between governance, strategic and operational objectives, use of AS/NZS 4360, reporting and risk management at appropriate levels, report risk management strategies in Annual Reports	No
12	Council fraud and corruption strategy and management plans	General Manager	Executive Management - Stewardship and Accountability – Fraud and Corruption Strategy	Development and periodic reassessment of fraud and corruption risk, fraud prevention plans, whistleblower mechanisms and reporting	Yes
13	Provision for employees to bring sensitive matters to the attention of management	General Manager	Executive Management - Stewardship and Accountability – Whistleblower Policy and Strategy	Procedures in accord with established Complaints Policy (2005) and Internal Reporting Policy (2005)	Yes
14	Council policies and Procedures Manuals compliance	General Manager	Executive Management - Stewardship and Accountability – Compliance Policy and Procedures	Determine the effectiveness of compliance policy, programs and procedures	No

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
15	Reporting to Council for informed decision making	General Manager	Executive Management - Stakeholder Engagement – Performance Management and Monitoring	Review processes for reporting to Council on risks, internal controls, performance and governance	No
16	Contract management and consultant engagement	General Manager	Executive Management - All Divisions	Review Council tendering processes, contract award approval, competitive neutrality, management against contract deliverables and cost	Yes
17	Secondary Employment of Council staff	General Manager	Human Resources	Review the application of Council policy on secondary employment	No
18	Recruitment of staff	General Manager	Human Resources - Recruitment and Selection	Recruitment and Selection Operational Management Standard and procedures for recruitment and selection process effectiveness	Yes
19	Recruitment and selection of staff	General Manager	Human Resources - Recruitment and Selection	Review probationary period performance assessments and follow-up	No
20	Staff training and development programs	General Manager	Human Resources - Training & Development	Review Council policy on education assistance (1998) and on-going training program effectiveness	No
21	Staff performance management and productivity	General Manager	Human Resources - Performance Management	Effective Employee Planning and Performance Review (EPPR) OMS and procedures	No
22	Salary administration and determination	General Manager	Human Resources - Salary Administration	Formal system of salary and benefits review and determination system	No

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
23	Industrial Relations policy, strategy and procedures	General Manager	Human Resources - Industrial Relations	Review compliance with Local Government (State) Award Industrial Relations Act and other, related, legislation	No
24	Council Financial and Operational Delegations	General Manager	Human Resources - Delegations	Up to date, regularly reviewed, Delegations Register, approved by the General Manager	Yes
25	Security of employee records (DataView) from access or manipulation	General Manager	Human Resources - General Administration	Security access levels based on 'need-to-know' basis, approved by the HR Manager	No
26	Governance training processes and programs	General Manager	Corporate Services and Governance and Human Resources	Consider induction course and training program for all newly appointed Councillors and Council staff	No
27	Operational units business plans	General Manager	Strategic Activities - Business Plans	Business plans implementation progress against timeline reports to the General Manager Reports to Council as prescribed	No
28	Project management including progress reporting	General Manager	Strategic Activities - Project Management, All Divisions	Council's policies and practices aligned with effective project management principles	Yes
29	Legislative compliance	General Manager	All Divisions	Council policy and performance standards for legal compliance	Yes

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
30	Complaints Handling processes	General Manager	Customer Services	Updated Council policy and processes in place, widely advertised and accessible to all staff and the Community	No
31	Conflicts of Interest disclosure processes	General Manager	All Divisions	Code of Conduct Policy – determine compliance	Yes
32	Council fraud and corruption prevention	General Manager	All Divisions	Assessment of fraud and corruption risk, fraud prevention plan and fraud detection systems	Yes
33	Council's Privacy, and GIPA Act policy and procedures	Support Services	Corporate Services and Governance	Legal compliance, secure personal information storage, restricted access to personal data	Yes
34	Adequacy of BCP and DRP arrangements of Divisions	General Manager	General Manager	Established and regularly tested BCP/DRP strategies	Yes
35	Community population growth or decline leading to unanticipated changes in infrastructure demands	General Manager	City Planning	Long-term city development planning, consistent with Council's planning strategies and approved Strategic Community Plan 2010-2030	No
36	Infrastructure planning and development	General Manager	City Planning	Long-term, informed planning and development strategies and sound project plan life-cycle	No
37	DAs, CCs, Fire Order Works, BCA Reports & Occupant Certificates (OCs) processing	General Manager	City Planning	Review Council policy and compliance with legislation and guidelines	Yes

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
38	Town Planning processes	General Manager	City Planning	Up-to-date approved Delegations, high level of supervision and review	No
39	Corruption Risk - development applications, rezoning, election funding	General Manager	City Planning	Develop a Fraud & Corruption Prevention Plan to supplement Council policy and processes	Yes
40	Breakdown in regulatory inspection services and administration	General Manager	City Planning	Review Council's policy and procedures for effectiveness	No
41	Ineffective or nonexistent emergency or after hours services	General Manager	City Planning	Established emergency advice, response and remediation strategies and practices in place	No
42	Customer service quality	City Planning	Customer Services	Establish up-to-date customer service policy, procedures and service standards	No
43	Maintenance management plans	Infrastructure Services	Roads Maintenance	Ensure policies and practices align with effective asset maintenance management principles	Yes
44	Depot inventory management	Support Services	Store - Depot	Ensure effective stores procurement, issue, stock-take and inventory control processes in place	Yes
45	Plant fleet under-utilised, costly lease/own decision options	Infrastructure Services	Plant and Heavy Vehicle Management	Regular review of Council's TAM strategies at appropriate times	Yes
46	Heavy Vehicle and Plant utilisation	Infrastructure Services	Plant and Heavy Vehicle Management	Regular review and reporting of vehicle and plant usage with costing of operations against options for alternative strategies	Yes

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
47	Road (major and minor) infrastructure maintenance activities causing property damage or injuries	Infrastructure Services	Roads Maintenance	Bridge assessments, reconstruction of failed assets Roads management system	Yes
48	Engagement of Contractors	General Manager	All Divisions	Review for rigorous tender assessment and contract award and management practices	Yes
49	Provision of compliant signs and lines during road maintenance	Infrastructure Services	Roads Maintenance	Compliance with Standards Effective supervision, staff training & inspections	No
50	Road maintenance 'safe workplace' practices	Infrastructure Services	Roads Maintenance	Implementation of, and rigorous compliance with, Council's OH&S policy and practices	No
51	Building security and access monitoring after hours	Infrastructure Services	Building Services	Alarm access via user codes with back-to-base monitoring via CCTV	Yes
52	Public buildings security	Infrastructure Services	Building Services	Security alarm systems with back-to-base monitoring and response	Yes
53	Safety measures for the public and Council staff in public buildings	Infrastructure Services	Building Services	Ease of access and egress in case of fire and random building evacuation drills	No
54	Safety risk to staff from robbery attempts or client behavior	Infrastructure Services	Recreation – Richmond Pool	Safe Working Methods Statement (SWMS) have been developed	No

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
55	Risk to facility clients of accidents or water borne contagion	Infrastructure Services	Recreation – Richmond Pool	Ensure staff work two per shift and all have appropriate Lifeguard and First Aid Certification	No
56	Cash collections may be exposed to fraud and corrupt	Infrastructure Services	Recreation – Richmond Pool	Review Council and Centre cash collection and reconciliation processes for policy compliance	Yes
57	Waste Management Facility Operations (refuse and industrial)	Infrastructure Services	Waste Management – Solid Waste Disposal - HCWMF	Review current Tip operations and guidelines and procedures, annually	Yes
58	Solid waste receiving station procedures	Infrastructure Services	Waste Management – Solid Waste Disposal - HCWMF	Delegations, level of supervision and separation of functions, with at least two staff at the receiving station at all times	Yes
59	Design failure	Infrastructure Services	Design & Survey	Ensure all design is undertaken in accordance with Industry Standards and the Development Control Plan (DCP)	No
60	Inappropriate design	Infrastructure Services	Design & Survey	Design undertaken to meet the available budget	No
61	Community safety interests failure in traffic design	Infrastructure Services	Design & Survey	Ensure traffic design is derived in consultation with the Community and in compliance with Industry Standards	No
62	Design and survey services suffer low Community confidence	Infrastructure Services	Design & Survey	Ensure that design undertaken is site specific and meets established Community needs	No
63	Management of Council income and expenditure	Support Services	Financial Services	Review Council's policy and procedures for effectively managing revenue and expenditure	No

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
64	Asset management risk - long term financial burden to Council	City Planning	Asset Management	Long-term asset management plan, linked to Government asset management guidelines	Yes
65	Cost of infrastructure funded by S94 contributions	City Planning	S94A Contribution Plan Management and Reporting	Review contributions through to actual expenditure for S94 Plans	Yes
66	Manage and account for and receive the various sources of Council income	Support Services	Financial Services	Review accounting and billing procedures for all Council fees and charges, revenue receipts, outstanding accounts, etc	Yes
67	Failure to meet budgeted targets for various programs	Support Services	Financial Services	Ensure effective forward planning and budgetary controls	No
68	Cash management and sundry revenue	Support Services	Financial Accounting and Reporting	Review policies and procedures, internal controls, strong cash collection, banking and accounting procedures, etc	Yes
69	Payroll, Deductions and Leave processing practices	Support Services	Payroll	Review compliance with policies and procedures, internal controls and reconciliations	Yes
70	Payroll data corruption or loss and data security exposures	Support Services	Payroll	Up-to-date payroll data backup routines, offsite storage, regular testing of back-up and recovery facility	No
71	Systems outages, (short or long term) for any reason	Support Services	Information Services	Current, up-to-date, BCP/DRP strategy, regularly tested	No

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
72	Long term financial sustainability & planning	Support Services	Financial Services	Ensure a current, up-to-date, long term financing plan, in line with Council strategic direction	No
73	Collection of rate levies inadequate for Council operations	Support Services	Rating Services	Ensure well developed and procedures and reconciliations of levies and collections, approved concessions and debt write-offs	Yes
74	Rates data corruption or loss and data security exposures	Support Services	Rating Services	Review current processes against good management alternatives/benchmarks with like Councils	No
75	Pensioners rating concessions rebate procedures	Support Services	Rating Services	Review concession rebate procedures against Council policy (1999)	Yes
76	Accounting for, and collection of, rates income - leakage and financial loss	Support Services	Rating Services	Systems tracking of rates notices and revenue receipts with prompt follow-up of arrears	No
77	Water and Sewerage charges	Infrastructure Services	Waste Management and Financial Services	Review current processes against good management alternatives/benchmarks against like Councils	No
78	Quality of management reporting and budgeting	City Planning	Strategic Planning and Financial Services	Review for adequacy of policy and procedures and management reports are fit for purpose	No
79	Adequacy of credit management, refunds authorities and debt write-off	Support Services	Accounts Receivable	Ensure well developed Accounts Receivable policy and procedures	Yes
80	Accounts Receivable data security exposures	Support Services	Accounts Receivable	Review Billings, Receivables and Creditors data backup routines and offsite storage	No

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
81	Payment authorizations - opportunities for fraudulent and corrupt conduct	Support Services	Accounts Payable	Review policies and procedures, internal controls, delegations and reconciliations of payments	Yes
82	Accounts Payable data loss and data security exposures	Support Services	Accounts Payable and Information Services	Up-to-date data backup routines, offsite storage, regular testing of back-up and recovery facility	No
83	Procurement controls, including tendering, purchasing, contracts and disposal of surplus goods and services	Support Services	Procurement Services	Ensure robust Council policies, Operational Management Standards and procedures, together with sound procurement risk analysis and management	Yes
84	Light Fleet management	Support Services	Fleet Management	Review Council policies and procedures for consistency with government policy	Yes
85	Purchase (credit including fuel) cards - policy and procedures	Support Services	Purchase Cards (including Fuel Cards) Administration and Oversight	Review compliance with Council policies and procedures and with Card Issuer's Conditions of Card Use	Yes
86	Data integrity of reports and other information	Support Services	Finance Services and Information Services	Ensure regular audit of the integrity of systems output that is used for management reporting and decision making	Yes
87	Commercial leases/Property management	Support Services	Property Management	Consider review current processes for effectiveness	Yes

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
88	Prolonged vacancies and or 'bad' tenants may lead to material financial exposures to Council	Support Services	Property Management	Aggressive marketing strategy and market oriented lease pricing, substantial security deposits Lease commencement and termination inspection and follow-up	No
89	Property sale outcomes contrary to the financial interests of Council	Support Services	Property Management	Independent valuations and reports, realistic reserve and auction considerations	No
90	Accounts Payable processing may be inefficient, costly, prone to error and supplier/creditor disputes	Support Services	Accounts Payable	Review current processes for effectiveness and compliance with Council Policy. Consider benchmarking operations against like Councils, with similar Accounts Payable systems	Yes
91	Council investments not achieving targeted investment revenue	Support Services	Investments	Review Council investment policy, compliance with legislative investment constraints and Investment Committee oversight	Yes
92	Investment strategies outside Council policy, government guidelines and/or prudent (and appropriate to Council) investment options	Support Services	Investments	Ensure well developed and enforced investment and STMM participation policies and transaction approval processes Adequacy of internal controls, separation of front-office and back-office operations	Yes
93	Grants administration	Support Services	Grants Administration	Review grant expenditure program proposal, acceptance and approval policies and procedures	Yes

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
94	Cash collection and reconciliation processes	Support Services	Cash Collections, Banking & Reconciliations	Review for effective cash collection and reconciliation (end-of-day or end-of-shift as applicable) processes	Yes
95	Council Records registration, storage and archival security, lost documents and disposal	Support Services	Records Management	Physical files stored in GRR, security classification and access, Code of Conduct, referencing protocols, legislative compliance.	Yes
96	Loss of server (DataWorks) may lead to electronic files access lost	Support Services	Records Management	Current, up-to-date, BCP/DRP strategy, facility, systems and escalation plans, regularly tested	No
97	Adequacy of information security	Support Services	Information Services	Review systems / data access protocols with access logging, follow-up and reporting	No
98	Information technology systems outdated / inappropriate / not suitable to function	Support Services	Information Services	Ensure monitoring of LG industry information systems trends with analysis and periodical recommendation to Senior Management	No
99	IT access security may not be adequate, may become compromised	Support Services	Information Services	Review network / terminals / systems / data access protocols with access logging and reporting of security attacks on access points	Yes
100	Major infrastructure outage may lead to business disruption, revenue and program delays	Support Services	Information Services	Effective UPS backup, systems monitoring application, failover facility, disk mirroring	Yes

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No	Nature of Issue/Risk Identified	Functional Area	Domain	Suggested Mitigation Response	Included in Strategic Internal Audit Plan
101	Malicious attack on, or sabotage of, Council IT facility or data (internal) – expensive remediation action and service delays	Support Services	Information Services	Review systems / data access protocols and security of 'Production' environment from ad-hoc program-code access, daily system wide backups, user discipline, transaction logs and shadow copy capability.	No
102	Council corporate system integration or update needs	Support Services	Information Services	Ensure monitoring software industry technical developments, liaison with other Councils	Yes
103	Facility damage by external causes such as flooding, fire etc,	Support Services	Information Services	Effective (regularly tested), up-to-date BCP and system and data backup regime (regularly tested)	No
104	External factors – poor vendor relations or vendor attention to Council's requirements or specifications	Support Services	Information Services	Ensure well-designed service contracts and maintenance agreements, SLAs and alternative sources of supply (where possible)	Yes
105	Quasi-commercial operations of Council (child care / tourist parks / cultural centres etc)	City Planning and Infrastructure Services	Community Services and Recreational Services	Review quasi-commercial operations of Council entities, in concert with Council's business operations strategies and financial / operational reporting to senior management.	Yes

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ATTACHMENTS

ATTACHMENT B: STRATEGIC INTERNAL AUDIT PLAN

INTRODUCTION

Internal Audit is defined by the Institute of Internal Auditors (IIA) as “an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations.”

To achieve best practice, development of HCC’s Strategic Internal Audit Plan should be consistent with both the DLG’s Internal Audit Guidelines (DLG Guidelines) and the IIA Professional Practices Framework (IIA Standards).

Internal Audit’s planning approach should include all of the following areas mentioned in the Guidelines:

- Reliability and integrity of financial and operational information.
- Effectiveness and efficiency of operations and resource usage.
- Safeguarding of assets.
- Compliance with laws, regulations, policies, procedures and contracts.
- Adequacy and effectiveness of the risk management framework.

The Strategic Internal Audit Plan should be based on the highest identified risk areas and be aligned with HCC’s Strategic Community Plan initiatives and goals.

EXPLANATORY COMMENTS

Based on the contents of the preceding risk register/issues log and our discussions with Senior Management, we have prepared a Draft Internal Audit Plan for your consideration. This is set out in the following **Schedule II**.

The Plan sets out the suggested audit review areas under the three headings:

- Operational/Strategic Reviews;
- Information Technology Reviews; and
- Compliance/Internal Control Reviews.

The purpose of the above categorisation is to clearly segregate straightforward reviews from the more complex and technical reviews.

The Plan is tabled as a draft, as there may be a need to modify the Plan to reflect possible changes in priorities from a business risk perspective. By necessity, we have not included all audit areas identified on **Schedule I**. These areas can be carried forward to the next full audit planning cycle.

The suggested review areas are only briefly described and would be supported by detailed review scopes that would be prepared once the Plan has been approved and as the first planning step for the nominated review area.

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We have taken the opportunity, based on our limited knowledge of each review area, to apply a notional risk rating to each item. This can assist with the Management prioritisation process. The scale used is in accordance with the Risk Management Standard AS/NZS 4360 and is briefly outlined in the following table.

RISK RATING KEY

Extreme	Extreme risk, immediate action required.
High	High risk, urgent management attention is needed.
Moderate	Moderate risk, management responsibility must be specified.
Low	Low risk, manage by routine procedures

Council does not have a Risk Management Plan and we consider that Internal Audit should take a lead in developing this across Council and have designed the Strategic Internal Audit Plan accordingly.

To improve the focus of the draft audit plan we have invited Directors and selected Senior Management staff to provide input into the planning of major audits; their contributions have been invaluable. We have included also topics that may be reviewed across Council during the strategic audit period such as assets management, procurement, sundry revenue and debtors and Council's BCP/DRP capability.

We request that the Council's Executive Management Committee (ExCom) review the Draft Plan as soon as practicable and confirm their agreement to the areas identified for review.

RESOURCING

We are aware that Council is planning to establish a full-time position as Internal Auditor. While it is reasonable that the appointment will probably take some months, it places the draft Strategic Internal Audit Plan behind schedule as it covers the period July 1, 2010 to June 30, 2013. This will place a burden on the planning process in terms of audit priorities.

Based on our review, the Internal Audit effort will need appropriate resourcing to be able to reasonably complete the work program set out in the Draft Strategic Internal Audit Plan at **Schedule II**.

In light of the above, it would be good management practice to outsource the more complex and technical audits, as required.

In addition, the following observations are offered:

- Internal Audit reports should seek Management Responses, detailing agreed remedial actions to recommendations, by specific implementation date and nominating a Manager responsible for the agreed implementation.

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- Management Responses received detailing agreed remedial action and timeframes for implementation shall be the bases for planning the follow-up reviews, designed to provide assurance of adequate and effective remedial actions have been completed satisfactorily.
- The IA function should not have responsibility for functions more properly the roles of Management.
- We suggest a formal feedback process from Directors on the audit process, and outcomes, to assist in gauging the level of satisfaction with the audit effort and any opportunities to improve the scope and focus of internal audit coverage.

All of these matters should be addressed in due course.

THE WAY FORWARD

The DLG Guidelines state that Internal Audit should report administratively to the General Manager. This is based on Council appointing an Internal Auditor who has credibility, is risk focussed and can build relationships and influence decisions across Council.

Options to establish credibility and risk focus could include close liaison between the Co-ordinator Risk Management and the Internal Auditor, with the outcome of audit reviews informing Council's risk assessment and management initiatives across Council activities. The Internal Auditor should also continue to include in the Strategic Audit Plan annual assessments of Council's risk management processes.



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SCHEDULE II – DRAFT HCC STRATEGIC INTERNAL AUDIT PLAN

AUDITABLE AREAS	2010-2011	2011-2012	2012-2013	RISK RATING
OPERATIONAL/STRATEGIC REVIEWS (20 days each)				
Procurement system controls, including supply, tendering, contracts and disposal of assets				High
Project management including progress reporting				High
OH&S compliance systems and processes				High
DAs, CCs, Fire Order Works, BCA Reports & Occupant Certificates (OCs) processing				High
Asset management (TAM strategies)				High
Council fraud and corruption strategy and prevention plans				High
Council governance and interest disclosure processes (legal compliance)				Moderate
Plant, heavy vehicle utilisation and maintenance				Moderate
Customer Requests, Reports and Complaints management and internal reporting processes				Moderate
Contract management and consultant engagement				Moderate
S94 Contributions and Plans				Moderate
Council buildings maintenance and security management				Moderate
Data integrity of reports and other information				Moderate
Commercial leases/Property management and sales				Moderate
Council investments not achieving targeted investment revenue, or outside policy and government guidelines				Moderate
Light Fleet management				Moderate
INFORMATION SERVICES REVIEWS (15 days each)				
IT operating systems and data access security				High
External factors – vendor support and relationships				High

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End-user support (Help-desk service)				Moderate
BCP and DRP arrangements, by Divisions				Moderate
Council corporate system integration or update plans				Moderate
COMPLIANCE / INTERNAL CONTROL REVIEWS (10 days each)				
Accounts Payable and Sundry Creditors processing				Moderate
Waste Management Facility operations (refuse and industrial) including cash handling and revenue accounting policy				Moderate
Workers' Compensation claims processing				Moderate
Recruitment and selection of staff				Moderate
Delegations				Moderate
Provision of Information to the Public				Moderate
Cash management, and sundry revenue and Debtors management process (including the management, accounting for, and receipt of Council's various revenues				Moderate
Legislative compliance				Moderate
Depot inventory management				Moderate
Purchase (credit including fuel) cards - policy and procedures				Moderate
Payroll, Deductions and Leave processing				Moderate
Rates assessment & processing, including pension concessions				Moderate
Grants administration				Moderate
Council Privacy and GIPA Act policy and Procedures compliance				Moderate
Cash collection and reconciliation processes				Moderate
Records management including disposal of records				Moderate

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Quasi-commercial operations of Council (child care / tourist parks / cultural centres/ libraries etc)				Moderate
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**CITY PLANNING**

**Item: 216**                    **CP - Draft Notice of Approval - Protection of the Environment Operations (Clean Air) Regulation 2002 - (96330, 95498)**

**Previous Item:**            296, Ordinary (12 December 2006)  
                                 196, Ordinary (31 August 2010)

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**REPORT:**

**Executive Summary**

At the Council meeting of 31 August 2010 Council considered a report on the Draft Notice of Approval for "Blanket" or "exempt" approvals for the pile burning of dead and dry vegetation grown on a property. A copy of that report is attached. The resolution of that meeting was as follows:

*"That consideration of this item be deferred to the Ordinary Council Meeting on 14 September 2010."*

The issues that were discussed and required clarification related to condition 9 of the Notice which states *"Burning shall only be conducted between the hours of 8am and 5pm on any day."* and clarification as to the provisions in Council's Tree Preservation Order in relation to approvals required for the removal of a dead tree.

The purpose of this report is to clarify the above issues and gain approval to place the draft Notice on public exhibition.

**Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The intention of the report is to gain approval to place the draft Notice of Approval on public exhibition.

**Background**

At its meeting on 31 August 2010, Council deferred the report on the draft Notice of Approval issued under the provisions of the Protection of the Environment Operations (Clean Air) Regulation 2002. It should be noted that the subject Notice of Approval contains the conditions of approval for pile burning that does not require the consent of Council. The subject Notice of Approval relates to the activity that is exempt from formal approval.

Concern was raised about condition 9 of the Notice that states *"Burning shall only be conducted between the hours of 8am and 5pm on any day."* The condition is imposed for a number of reasons, but mainly due to the increased air pollution impacts at night and the fact that the Notice relates to the exempt activity.

The "Clean Air Regulation Notice of Approval to Pile Burn" is commonly known as "a blanket approval to pile burn". The purpose of this approval is to reduce the amount of administrative paperwork and procedures for the community when they have cleaned up debris from trees and vegetation on their land, and want to dispose of it by burning, but only if the land area exceeds 4,000 square metres.

The person wishing to dispose of this material by burning only needs to follow the requirements of the document, and they can then burn the materials without further reference to Council. The document is easily accessed by going to Council's web site, or obtaining a hard copy by visiting Council, or asking for it to be mailed out to them.

When the “blanket approval” is complied with, the resident is exempted from completing a pile burning application, which needs assessment and approval by Council staff. The “blanket approval” is in place to streamline the process, and to allow residents complying with its requirements to proceed without having to complete a pile burning application.

If the resident wants to burn outside any of the conditions of the blanket approval (i.e. to modify hours, pile sizes etc.), a pile burn application needs to be submitted in these instances. Generally, applications for pile burning are normally assessed within seven (7) days of the assessing officer receiving them.

It is preferred that the burns be undertaken during the day as at night the temperature inversion and absence of sunlight to degrade the chemicals emitted during the burn, lead to increased air pollution. However, as mentioned above, should a person wish to vary these conditions a simple application to Council will enable the safety aspects of the particular application to be assessed and approvals for those applications is generally less than seven days.

The other matter that was raised by Council at the meeting of 31 August 2010 related to the requirements of the Tree Preservation Order for the removal of a dead tree. A copy of the Tree Preservation Order (TPO) is attached to this report for information. Section 3 of the TPO deals with exemptions to the requirement for approval and is quite extensive in these exemptions. However, rather than repeat the entire section, the most relevant section of Section 3. Exemptions are as follows:

*“Development consent is not required in relation to:*

- 1) *Any tree that is not a heritage item and if documented evidence can be produced that is satisfactory to Council to prove that:*
  - a) *The owner of the tree has agreed; and*
  - b) *The tree was dying or dead or had become dangerous. In this case such evidence is to be provided to Council prior to its ring-barking, cutting down, topping, removal, injuring or wilful destruction or where a tree poses imminent danger, immediately after; or”*

As can be seen from the above extract from the TPO, development consent is not required for the removal of a dead or dying tree. At the Council meeting of 31 August 2010, reference was made to an incident where a person was fined for the removal of a dead tree without consent. In that instance the property is heritage listed in Council’s LEP and, as seen from the above extract, development consent is still required where the tree is located on a property that is heritage listed in the Hawkesbury LEP 1989.

The current Notice of Approval that is used by Council for these exempt, or “blanket” approvals for pile burning expires on 30 September 2010. In this regard it is proposed to place the amended Notice, as attached to the Council report of 31 August 2010, on public exhibition prior to adoption.

### **Conformance to Community Strategic Plan**

The proposal is consistent with the Caring for Our Environment Directions statement;

- Take active steps to encourage lifestyle choices that minimise the ecological footprint;

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Encourage and educate the community to care for their environment

The Notice of Approval is a “blanket” approval for the burning of cleared vegetation in certain circumstances. In these cases the activity must comply with the requirements and, if so, does not require formal approval. This approach to exempt approvals assists the community in their activities and also provides guidance and education to persons undertaking these activities.

### **Financial Implications**

Funding for this initiative can be met from within the Regulatory Services approved budget.

### **Conclusion**

Council's existing Notice of Approval provides residents on properties greater than 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk, the ability to pile burn dead and dry vegetation outside of the Bush Fire Season under a 'blanket' approval, i.e. if the activity complies with the conditions in that Notice of Approval, no formal application is required.

It is proposed that the Draft Notice of Approval will remain in force for a period of five years. Hence, outside of the Bush Fire Season residents on properties greater than 4,000 square metres, and residents on properties less than 4,000 square metres which are designated as an Extreme Bush Fire Risk will be able to pile burn, dead and dry vegetation in accordance with the draft Notice of Approval, i.e. individual consent from Council will not be required. These residents will only need to seek consent from Council when they wish to burn dead and dry vegetation outside of the restrictions of the draft Notice of Approval. It should be noted that it is still necessary for residents to seek the necessary approvals from the Rural Fire Service during the declared Bush Fire Season.

### **RECOMMENDATION:**

That:

1. In accordance with Clause 6G(3)(d) of the Protection of Environment Operations (Clean Air) Regulation 2002, Council place on public exhibition its draft Notice of Approval (Attachment 3 to the Council report dated 31 August 2010) for a period of 14 days.
2. Following the public exhibition of the draft Notice of Approval, if any public submissions are received, a further report be prepared for Council's consideration. Should there be no submissions received following the expiration of the public exhibition period, the draft Notice of Approval as outlined in the report be adopted.

### **ATTACHMENTS:**

**AT - 1** Report (and attachments) to Council Meeting of 31 August 2010

**AT - 2** Copy of Council's Tree Preservation Order

**AT - 1 Report to Council Meeting of 31 August 2010**

**REPORT:**

**Executive Summary**

Hawkesbury City Council has granted in the past general approval under Clause 6G(2)(a) of the Protection of the Environment Operations (Clean Air) Regulation 2002 (Regulation) for the pile burning of dead and dry vegetation grown on a property, in the open, where the land is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan. The current Notice of Approval was enacted by Council for a period five (5) years, with the approval due to expire on 30 September 2010 (*please refer to Attachment 1, Council's existing Notice of Approval*). Without the adoption of draft Notice of Approval, residents will be unable to conduct pile burning in the Hawkesbury Local Government Area.

**Consultation**

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

In accordance with clause 6G(3)(e) of the Protection of Environment Operations (Clean Air) Regulation 2002 the opinions of the DECCW were obtained in regard to the extension of Council's existing Notice of Approval (Attachment 2).

DECCW's key concerns related to the impact on air quality and native vegetation. To address DECCW's concerns regarding air quality it is proposed to include several DECCW suggested conditions in Council's draft Notice of Approval and continue to incorporate the condition which requires possible alternative means e.g. re-use, recycling, composting, to dispose of dead and dry vegetation are utilised in preference to pile burning. In regard to the removal of dead trees and the potential impact this might have on habitat for threatened species, Council's Tree Preservation Order requires that prior to the removal of a dying or dead tree written notification be provided to Council. The written notice should be given at least 14 days prior to the removal of the tree (except in emergency situations). This information has been again included in the draft Notice of Approval.

A copy of an initial draft Notice of Approval was provided to DECCW. All of DECCW's suggestions in the initial draft Notice of Approval have been incorporated into the final draft Notice of Approval.

**Background**

The Regulation allows local councils to assess local conditions and to select the appropriate control of burning for the area. The Regulation lists the level of control for Hawkesbury City Council as follows:

1. All burning of vegetation in the open or in an incinerator is prohibited except with approval. Councils have powers to grant approvals for burning dead and dry vegetation on the premises on which the vegetation grew.
2. The burning of domestic waste on residential premises where domestic waste management services are not available.

The Protection of the Environment Operations (Clean Air) Regulation 2002 outlines, for local councils and fire management authorities, burning requirements. The Regulation:

- Requires anyone who burns anything in the open or in an incinerator to do so in a manner that prevents or minimises air pollution.

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- Imposes a statewide ban on the burning of tyres, coated wire, paint/solvent containers and residues, and treated timber.
- Controls the burning of domestic waste and vegetation.
- Gives powers to councils to control the extent of vegetation burning in their Local Government area where they have elected to have this control.
- Permits agricultural, cooking and recreational fires.
- Allows other burning if approved by the Department of Conservation, Climate Change and Water (DECCW).
- Bans home-unit incinerators.

The Regulation does not affect bushfire hazard reduction work allowed under the Rural Fires Act, the destruction of prohibited plants or drugs, or the burning of diseased animal carcasses.

Currently, Hawkesbury City Council grants general approval for the pile burning of dead and dry vegetation grown on any property, in the open, where the land is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan. Areas designated Extreme Risk include properties from Yarramundi, Bowen Mountain, Tabaraga Ridge - Kurrajong Heights, "The Islands Estate", Blaxland Ridge, Grose Vale and Kurrajong Village.

The reasons given for requesting an extension of Council's Notice of Approval include the following:

- The current Notice of Approval will lapse on 30 September 2010.
- Allow residents on properties 4,000 square metres (one acre) or greater and/or designated as Extreme Risk, with the ability to burn dead and dry vegetation, therefore protecting themselves against wildfires.
- Collection and disposal of vegetation in Council's waste service is not practical - waste service bins are too small; stockpiling/composting is dangerous.

#### **Conformance to Community Strategic Plan**

The proposal is consistent with the Caring for Our Environment Directions statement;

- Take active steps to encourage lifestyle choices that minimise the ecological footprint;
- and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:
- Encourage and educate the community to care for their environment.

#### **Financial Implications**

Funding for this initiative can be met from within the Regulatory Services approved budget.

#### **Conclusion**

Council's existing Notice of Approval provides residents on properties greater than 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk, the ability to pile burn dead and dry vegetation outside of the Bush Fire Season a 'blanket' approval.

It is also proposed that the Draft Notice of Approval will remain in force for a period of five years. Hence, outside of the Bush Fire Season residents on properties greater than one acre, and residents on properties less than one acre which are designated as an Extreme Bush Fire Risk will be able to pile burn, dead and

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dry vegetation in accordance with the draft Notice of Approval, i.e. individual consent from Council will not be required. These residents will only need to seek consent from Council when they wish to burn dead and dry vegetation outside of the restrictions of the draft Notice of Approval. It should be noted that it is still necessary for residents to seek the necessary approvals from the Rural Fire Service during the declared Bush Fire Season.

**RECOMMENDATION:**

That:

3. In accordance with Clause 6G(3)(d) of the Protection of Environment Operations (Clean Air) Regulation 2002, Council place on public exhibition its draft Notice of Approval (Attachment 3) for a period of 14 days.
4. Following the public exhibition of the draft Notice of Approval, if any public submissions are received, a further report be prepared for Council's consideration. Should there be no submissions received following the expiration of the public exhibition period, the draft Notice of Approval as outlined in the report be adopted.

**ATTACHMENTS:**

- AT - 1** Current Notice of Approval
- AT - 2** Correspondence from DECCW Re: extension of Council's existing Notice of Approval
- AT - 3** Draft Notice of Approval

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**AT - 1 Current Notice of Approval**

**Clean Air Regulation 2002  
Notice of Approval  
Rural Areas and Villages**

Hawkesbury City Council hereby grants general approval for the pile burning of dead and dry vegetation grown on that property, in the open, on land which is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan.

Properties from Yarramundi, Bowen Mountain, Tabaraga Ridge - Kurrajong Heights, "The Islands Estate", Blaxlands Ridge, Grose Vale and Kurrajong village are designated as Extreme Risk. ***In all circumstances Council should be contacted to confirm the individual property is designated Extreme Risk.***

This approval remains in force from 30 September 2006 to the 30 September 2010.

**It is prohibited to burn**

1. Without the approval of the NSW Fire Brigade throughout the year in the following areas: McGraths Hill, Windsor Downs, Bligh Park, South Windsor, Windsor, Vineyard, Clarendon, Richmond, and North Richmond.
2. Without the approval of the Rural Fire Service between 1 October to 31 March or until the commencement of the Bush Fire Season if declared earlier.

**This approval does not include:-**

1. The burning of other matter other than dead and dry vegetation grown on the property.
2. The burning of vegetation resulting from land clearance. Development consent is required to be obtained from Council.
3. The burning of vegetation which has been cleared for commercial development or building construction as development consent must be obtained from Council.
4. The removal of dead or dying trees as written notification needs to be provided to Council under its Tree Preservation Order.
5. Ecological/bush regeneration burns which are carried out to destroy infestations of noxious weeds or the clearance of land for native species regeneration. Individuals and organisations that wish to carry out these burns should apply to the Department of Environment and Conservation (DEC), PO Box 668 Parramatta NSW 2124.

The approval is granted subject to the provisions of the Protection of the Environment Operation (Clean Air) Regulation 2002 and to the following conditions:

1. Pile burning of dry and dead vegetation should NOT be seen as the best method for disposing of dry and dead vegetation. Alternative means of disposal such as re-use; recycling; composting; disposal through Council's waste service, kerbside collection service or waste management facility; should be thoroughly investigated and are the preferred disposal methods.
2. Only dry and dead vegetation originating on a property that is included in this approval shall be burnt on that property. Burning is to be conducted in accordance with the NSW Rural Fire Service "Standards for Pile Burning" February 2006;  
<http://www.hawkesbury.nsw.gov.au/environment/19544.html>



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3. Burning must at all times be carried out by such practical means as are necessary to prevent or minimise air pollution. The potential for smoke impacting on any person due to wind direction and weather conditions must be taken into account.
4. In the event of a Total Fire Ban being declared, this approval is suspended. Any existing fire is to be extinguished and cannot be re-commenced until the Total Fire Ban is lifted.
5. In the event of a No Burn Day being declared by the EPA, this approval is suspended for the duration of the declaration. When a "No Burn" notice is issued, it applies to the lighting of new fires in the declared areas. Existing fires should be allowed to continue as extinguishing the fire will result in more smoke. "No Burn Notices" are notified in the Public Notices section of the Sydney Morning Herald not later than on the day on which the order is to take effect. Recorded information about "No Burn Notices" is usually available from 4pm the day before the notice comes into effect and can be accessed by calling ph: 1300 130 520 or is available on the Department of Environment and Climate Change NSW (DECC) website at [www.environment.nsw.gov.au/air/airqual.htm](http://www.environment.nsw.gov.au/air/airqual.htm)
6. Adjoining neighbours and people likely to be affected by smoke are to be notified at least 48 hours before the fire is lit. This will allow for smoke-sensitive people such as asthmatics, to plan to be away from the area when the burn is conducted.
7. Written or oral notice is to be given to the Hawkesbury Rural Fire Service at least 24 hours prior to the burn. (The Rural Fire Service will require additional time during the Bush Fire Season). Such notice must specify the location, purpose, period and time of the fire proposed to be lit. Contact details include:  
  
**RFS Pile burning notification line Ph: (02) 4575 1143, FAX 4575 1475, email [hawkesbury@rfs.nsw.gov.au](mailto:hawkesbury@rfs.nsw.gov.au)**
8. A responsible supervising adult over the age of eighteen shall be on site at all times with enough water to extinguish the fire, if required, for that time the fire is active.
9. Burning shall only be conducted between the hours of 8am and 5pm on any day.
10. Any residue waste from the burning must be disposed of in an environmentally satisfactory manner and in accordance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996". On completion of the burn, the burnt area must be maintained in a condition that minimises or prevents the emission of dust from the area and prevents sediment or ash from fires being washed from the area into waters.

Failure to comply with this approval may result in an On The Spot fine of \$500.00 for an individual or \$1,000.00 for a corporation. In the event of prosecution, the maximum penalty is \$5,500.00 for an individual and \$11,000.00 for a corporation.

***If you do not comply with the conditions specified above you are not permitted to burn without separate approval being issued by Council.***

For further information please contact:

Hawkesbury City Council  
Regulatory Services  
PO Box 146  
Windsor NSW 2756

Ph: (02) 4560 4444  
Fax: (02) 4560 4400  
Email: [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)

**AT - 2 - Correspondence from DECCW Re: Extension of Council's existing Notice of Approval**

Our reference: DOC10/33903  
Contact: Marcus Leslie, 9995 6849

Mr G Baldry  
Manager Regulatory Services  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Dear Mr Baldry

**Open burning policy in the Hawkesbury local government area**

Thank you for your letter of 26 June 2010 seeking the opinion of the Department of Environment, Climate Change and Water (DECCW) on Council's proposal to extend its Clean Air Regulation 2002 Notice of Approval Rural Areas and Villages to include premises greater than 4000 square meters and/or premises designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan, as required under the *Protection of the Environment Operations (Clean Air) Regulation 2002*. DECCW previously commented (18 July 2006) on an earlier version of this Notice of Approval and many of our comments are still relevant.

I wish to reassure Council that DECCW is fully supportive of Council meeting its obligations in relation to fire risk as a first priority. DECCW's further input as follows is to ensure that all other legislative responsibilities of government are fully addressed with the Council changes proposed.

DECCW has reviewed the Notice of Approval and our key concerns relate to the impacts on air quality, native vegetation, in particular threatened species and their habitat, and a possible increase in the incidence of fire in extreme bushfire risk areas. These are discussed in more detail below. DECCW also considers that the Notice of Approval is ambiguous in terms of what is or is not permitted and has made some suggested changes to address this, as well as some of our concerns (see attached Notice).

DECCW's current position on open burning for local government areas listed on Part 1 of Schedule 8 of the POEO (Clean Air) Regulation 2002 is to prohibit all open burning with the exception of burns undertaken for ecological purposes or special effects. This approach aims to better protect air quality and amenity by minimising burning. DECCW believes that there are alternative options available for the reuse or disposal of vegetative waste and encourages Council to promote these.

**Impacts on Air Quality**

An extension of the current open burning approval in the Hawkesbury local government area (LGA) is likely to lead to further increases in local and regional air pollution. Clause 6G(3) of the POEO (Clean Air) Regulation 2002 requires Council take into consideration the impact on local and regional air quality and amenity; the feasibility of re-use, recycling or other alternative means of disposal; and the opinions of those members of the public likely to be most affected by the proposed approval, before granting such an approval.

As stated in our earlier correspondence, DECCW encourages Council to give serious consideration to minimising any such impacts by:

- ensuring residents in the LGA have access to, and are aware of, green waste services, such as kerbside collections, or alternatives, such as composting or chipping services;

- minimising and coordinating any necessary burns so that local residents are not subject to ongoing smoke impacts and poor air quality brought about by an increased frequency of open burns;
- consulting with those stakeholders likely to be affected by the proposal.

### **Impacts on native vegetation, threatened species and their habitat**

Remnant native vegetation in the Hawkesbury LGA includes endangered ecological communities (EECs), threatened species and/or their habitat. As discussed in our previous correspondence, even dead trees (standing or logs) may be habitat for threatened species. DECCW is concerned that this Notice of Approval may lead to the unauthorised removal or inappropriate burning of such vegetation and recommends that Council make it quite clear in the Notice of Approval that any works likely to impact on threatened species, populations or endangered ecological communities or their habitat must be adequately assessed and approved. Removing live or dead vegetation from an endangered ecological community or from the habitat of threatened species, may constitute an offence under the National Parks & Wildlife Act unless it is subject to a consent from Council, a licence from DECCW or some other valid form of approval. Landholders should be encouraged to check the DECCW website <http://threatenedspecies.environment.nsw.gov.au/index.aspx> or talk to Council to obtain more information about threatened species in their area. Where a consent from Council or other form of approval is not required for such works, then landholders will need to apply for a s. 91 licence from DECCW. A licence application form can be obtained from the DECCWW website at: [http://www.nationalparks.nsw.gov.au/PDFs/Application\\_Form\\_s91\\_jan07.pdf](http://www.nationalparks.nsw.gov.au/PDFs/Application_Form_s91_jan07.pdf).

### **Bushfire Management**

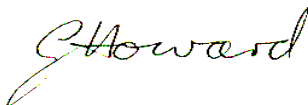
As detailed in our previous correspondence, DECCW has concerns that the Clean Air Regulation 2002 Notice of Approval Rural Areas and Villages may be misinterpreted by residents and be used to remove vegetation to reduce bushfire risk in extreme risk areas. The prescriptions under the POEO (Clean Air) Regulation 2002 do not cover bush fire hazard reduction works. A clear distinction between the purpose of pile burns and hazard reduction burns should be made with reference to the relevant assessment and approval processes required for hazard reduction works under the Bush Fire Environmental Assessment Code and The Rural Fires Act 1997. DECCW is concerned that misinterpretation of this Notice of Approval may result in an increased risk of bushfires in areas that have already been identified as extreme risk areas.

### **Compliance**

A random inspection program following changes to control of burning approvals would be beneficial to ensure compliance with the new Notice of Approval.

I trust you find this information helpful and I also wish to promptly set up a meeting between DECCW and Council to discuss the above, to ensure efficiency and clarity for all. Could you please contact Marcus Leslie on 9995 6849 or Deb Stevenson A/ Manager Metropolitan Projects and Support on 9995 6842 to arrange this meeting.

Yours sincerely



**GISELLE HOWARD**  
**Director Metropolitan**  
**Environment Protection and Regulation**  
13 August 2010

Enclosure

**AT - 3 - Draft Notice of Approval**

**Clean Air Regulation 2002  
Notice of Approval  
Rural Areas and Villages**

Hawkesbury City Council hereby grants general approval for the pile burning of dead and dry vegetation grown on that property, in the open, on land which is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan.

Properties from Yarramundi, Bowen Mountain, Tabaraga Ridge - Kurrajong Heights, "The Islands Estate", Blaxlands Ridge, Grose Vale and Kurrajong village are designated as Extreme Risk (or as amended from time to time by the Bush Fire Management Plan). ***In all circumstances Council should be contacted to confirm the individual property is designated Extreme Risk and to check whether any other approvals are required.***

This approval remains in force from 1 October 2010 to the 30 September 2015. **It is limited by the following prohibitions and conditions:**

**It is prohibited to burn**

1. For the purposes of bush fire hazard reduction. Bush fire hazard reduction burns are not covered under this Notice. Such burns need to be assessed and approved under the Rural Fires Act 1997 and residents should apply to the relevant local authority.
2. Without the approval of the NSW Fire Brigade throughout the year in the following areas: McGraths Hill, Windsor Downs, Bligh Park, South Windsor, Windsor, Vineyard, Clarendon, Richmond, and North Richmond.
3. Without the approval of the Rural Fire Service between 1 October to 31 March or until the commencement of the Bush Fire Season if declared earlier.
4. Ecological/bush regeneration burns to be carried out in vegetation which is listed as an Endangered Ecological Community (EEC) or which is habitat for threatened species will require a licence from the Department of Environment, Climate Change and Water (DECCW). See the DECCW website for further information about threatened species and EECS (<http://www.environment.nsw.gov.au/threatenedspecies/>) and for a licence application form (<http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm>).

**This approval does not include:-**

1. The burning of other matter other than dead and dry vegetation grown on the property.
2. The burning of vegetation resulting from land clearance. Development consent is required for the clearing of native vegetation which can be obtained from Council.
3. The burning of vegetation which has been cleared for commercial development or building construction as development consent must be obtained from Council.
4. The removal of dead or dying trees as written notification needs to be provided to Council under its Tree Preservation Order.

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5. The removal or burning of any native vegetation that comprises an EEC or habitat for threatened species which requires assessment and approval under the Rural Fires Act.

The approval is granted subject to the provisions of the Protection of the Environment Operation (Clean Air) Regulation 2002 and to the following conditions:

1. Pile burning of dry and dead vegetation should NOT be seen as the best method for disposing of dry and dead vegetation. Alternative means of disposal such as re-use; recycling; composting; disposal through Council's waste service, kerbside collection service or waste management facility; should be thoroughly investigated and are the preferred disposal methods.
2. Only dry and dead vegetation originating on a property that is included in this approval shall be burnt on that property. Burning is to be conducted in accordance with the NSW Rural Fire Service "Standards for Pile Burning" February 2006;  
[http://www.hawkesbury.nsw.gov.au/data/assets/pdf\\_file/0003/1785/StandardsForPileBurning.pdf](http://www.hawkesbury.nsw.gov.au/data/assets/pdf_file/0003/1785/StandardsForPileBurning.pdf)
3. Burning must at all times be carried out by such practical means as are necessary to prevent or minimise air pollution. The potential for smoke impacting on any person due to wind direction and weather conditions must be taken into account.
4. In the event of a Total Fire Ban being declared, this approval is suspended. Any existing fire is to be extinguished and cannot be re-commenced until the Total Fire Ban is lifted.
5. In the event of a No Burn Day being declared by the EPA, this approval is suspended for the duration of the declaration. When a "No Burn" notice is issued, it applies to the lighting of new fires in the declared areas. Existing fires should be allowed to continue as extinguishing the fire will result in more smoke. "No Burn Notices" are notified in the Public Notices section of the Sydney Morning Herald not later than on the day on which the order is to take effect. Recorded information about "No Burn Notices" is usually available from 4pm the day before the notice comes into effect and can be accessed by calling ph: 131 555 or is available on the Department of Environment, Climate Change and Water (DECCW) website at  
<http://www.environment.nsw.gov.au/air/aboutnb.htm>
6. Adjoining neighbours and people likely to be affected by smoke are to be notified at least 48 hours before the fire is lit. This will allow for smoke-sensitive people such as asthmatics, to plan to be away from the area when the burn is conducted.
7. Written or oral notice is to be given to the Hawkesbury Rural Fire Service at least 24 hours prior to the burn. (The Rural Fire Service will require additional time during the Bush Fire Season). Such notice must specify the location, purpose, period and time of the fire proposed to be lit. Contact details include: **RFS Pile burning notification line Ph: (02) 4575 1143, FAX 4575 1475, email hawkesbury@rfs.nsw.gov.au**
8. A responsible supervising adult over the age of eighteen shall be on site at all times with enough water to extinguish the fire, if required, for that time the fire is active.
9. Burning shall only be conducted between the hours of 8am and 5pm on any day.
10. Any residue waste from the burning must be disposed of in an environmentally satisfactory manner and in accordance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996". On completion of the burn, the burnt area must be maintained in a condition that minimises or prevents the emission of dust from the area and prevents sediment or ash from fires being washed from the area into waters.

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Failure to comply with this approval may result in an On The Spot fine of \$500.00 for an individual or \$1,000.00 for a corporation. In the event of prosecution, the maximum penalty is \$5,500.00 for an individual and \$11,000.00 for a corporation.

***If you do not comply with the conditions specified above you are not permitted to burn without separate approval being issued by Council and/or the local Rural Fire Service authority.***

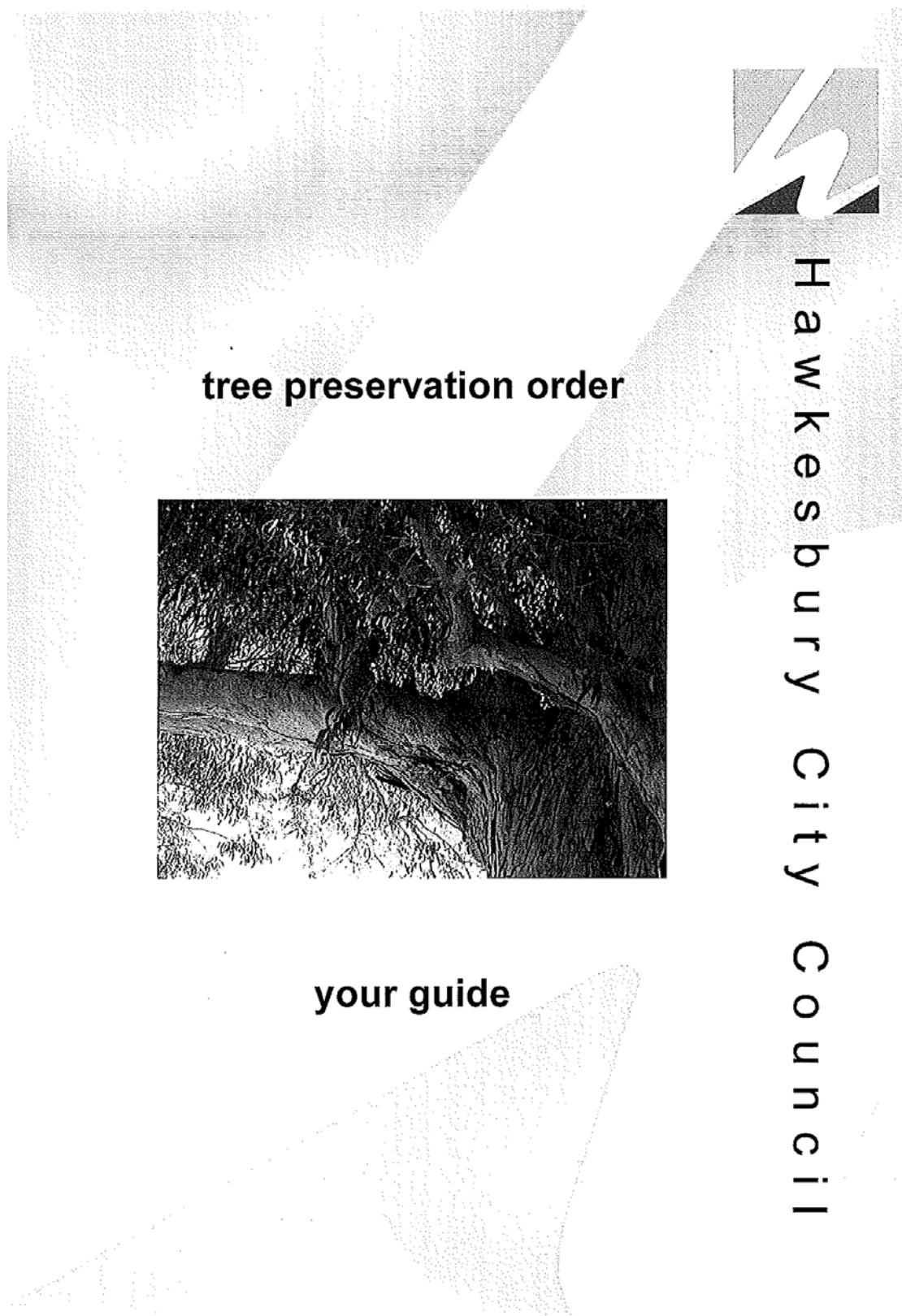
For further information please contact:

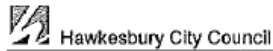
Hawkesbury City Council  
Regulatory Services  
PO Box 146  
Windsor NSW 2756

Ph: (02) 4560 4444  
Fax: (02) 4560 4400  
Email: [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)



AT - 2 Copy of Council's Tree Preservation Order





### **The Order**

A person shall not ring-bark, cut down, top, lop, remove, injure or wilfully destroy any tree within the Hawkesbury City Council area except with prior development consent of Hawkesbury City Council.

### **Exceptions to the Order**

Development consent is not required for works described in the Clause 1 if:

- (a) the works are exempt as specified in Clause 3 of this Order, or
- (b) the works fulfil the requirements for pruning as specified in Clause 5 of this Order, or
- (c) the works fulfil the requirements for transplanting as specified in Clause 6 of this Order, or
- (d) the works are on land managed by the Crown.

### **Exemptions**

Development consent is not required in relation to:

- (a) any tree that is not a heritage item and if documented evidence can be produced that is satisfactory to Council to prove that:
  - i) the owner of the tree has agreed; and
  - ii) the tree was dying or dead or had become dangerous. In this case such evidence is to be provided to Council prior to its ring-barking, cutting down, topping, lopping, removal, injuring or wilful destruction or where a tree poses imminent danger, immediately after; or
  - iii) that taking action was reasonably necessary to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree was situated; or
  - iv) that written notice about the proposed action was given to Council, before the action was taken, confirmed in writing:
    - that the tree was in a fuel free zone within the meaning of the document entitled "Planning for Bush Fire Protection" published by the Department of Bush Fire Services; and
    - that, if Council has classified species of trees as being likely to present a significant fire hazard, the tree was of such a species; or
  - v) that written notice about the proposed action was given to Council, a period of not less than 14 days occurred after the notice was given (and before the action was taken) and Council did not advise the person during that period that it opposed the action being taken.

In this subclause, "notice" means a notice that includes the name and address of the person who gives it and that explains that a tree of a named species situated in a specified position on land described in the notice is intended to be ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed for the purpose of bush fire hazard reduction,
- (b) any tree with a height less than 4 metres, or a branch spread of less than 3 metres, or the diameter of the trunk 1 metre above ground level is less than 15cm. Note this does not apply to the clearing of native vegetation,
- (c) any tree which is identified for removal on a development consent authorising a land use,

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- (d) the removal or clearing of trees in association with the construction or use of a building or work for which development consent has been granted, including the removal of vegetation and ongoing maintenance of fuel load limits within identified and approved asset protection zones, but only in accordance with the terms and conditions of that consent,
- (e) all trees that are located within the pathway or roadway, sewerage or drainage works or other works, including bush regeneration works, authorised to be carried out by an approval issued under Part 5 of the Environmental Planning and Assessment Act 1979, as amended,
- (f) trees of any of the following species:
  - i. *Salix spp.* (all Willow species)
  - ii. *Populus spp.* (all Poplar species)
  - iii. *Ligustrum lucidum* (Broad - leaf privet)
  - iv. *Ligustrum sinense* (Small - leaf privet)
  - v. *Ricinus communis* (Castor Oil plant)
  - vi. *Gleditzia tricanthos* (Honey Locust)
  - vii. *Ailanthus Altissima* (Tree of Heaven)
  - viii. *Cortaderia Selloana* (Pampas Grass)
  - ix. *Olea europaea* (African Olive)
  - x. *Acer Negundo* (Box Elder)
  - xi. *Toxicodendron succedaneum* (Rhus Tree)
  - xii. *Cinnamomum camphora* (Camphor Laurel)
  - xiii. *Pinus radiata* (Radiata Pine)
  - xiv. *Cocos Palm*,
  - xv. *A species that has been declared a noxious plant under the Noxious Weeds Act 1993*
- (g) any trees which are:
  - i. in an area which the council or the Rural Fire Service has authorised their removal as part of a hazard reduction program, where that removal is necessary in order to manage risk,
  - ii. required to be removed under the Rural Fires Act 1997, or
  - iii. removed by a Rural Fire Brigade because they pose or will pose a significant threat to access along required fire trails or to human life, building or other property during a bushfire,
- (h) any tree the immediate removal of which is essential for emergency access, or emergency works by Council, the State Emergency Service or a public authority,
- (i) the removal or clearing of vegetation in accordance with an order issued by Council under the provisions of the Act or the Local Government Act 1993,
- (j) the removal or clearing of any vegetation, in accordance with the Surveying Act 2000 or any regulation made under that Act, between properties for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor where no alternative survey method is feasible,
- (k) the removal or clearing of any vegetation on land zoned for Housing with an area of 1,000 square metres or less, except for land located in Kurrajong or Kurrajong Heights.

**Approved Landscaping, Heritage Items, Environmental Protection Zones and Environmental Constraint Areas**

Nothing in subclauses (3) (b, f, h, j, k) permits without development consent:

- (a) the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree that is part of landscape planting required by a development consent, or
- (b) the damaging or despoiling of a tree that is a heritage item / the damaging or despoiling of any tree on land which a heritage building, work or relic is situated or comprised of, or

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- (c) the felling of trees on land that is zoned 7(a), 7(d) or 7(d1), or
- (d) the removal of trees on land covered by an Environmental Constraint Area.

#### Pruning

A development consent is not required for the following:

- (a) pruning of a hedge,
- (b) the seasonal pruning of fruit trees for the purpose of maintaining fruit production,
- (c) "deadwooding", being the removal of dead wood from a tree, if the branches removed are not branches with hollows on a *likely habitat tree* specified in an order made under Clause 7,
- (d) selective pruning, being only pruning to remove branches back to the nearest branch collar or junction to clear a roof, where trees directly overhang the roof of a dwelling, garage or commercial building, and only if the owner of the land where the centre of the tree originated or where the majority of the trunk of the tree is growing, is in agreement,
- (e) to remove any species of parasitic mistletoe or parasitic plant from any part of a tree to ameliorate the effects on the tree from such a parasite,
- (f) pruning for the purposes of seed collection where less than 10% of the seed resource is removed.

This clause does not allow the pruning of a tree unless it is carried out in accordance with Australian Standard AS 4373-1996, Pruning of amenity trees.

#### Transplanting

The following may be transplanted without development consent:

- (a) specimens that have originated in and have grown continuously in a container which is not permanently fixed to a structure,
- (b) a tree that has remained continuously confined within a container, but not a tree in a planter box where the box is part of a building,
- (c) a field-grown tree propagated as part of a commercial horticultural or agricultural enterprise for the purposes of harvesting and selling it as an advanced specimen for relocation and re-establishment.

#### Likely Habitat Trees

The Council may, by its order, specify particular trees, or trees of a species or other class, to be *likely habitat trees* for the purposes of this clause.

For further enquiries please phone Hawkesbury City Council on 4560 4444.

Address all correspondence to:

The General Manager  
Hawkesbury City Council  
P O Box 146  
WINDSOR NSW 2756

Email: [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)

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