

# Protection of the Environment Trust (PoET) Management Committee Meeting Record 20 April 2021



Location:	Gosford Committee Room / Microsoft Teams Meeting	
Date:	20 April 2021	
Time	Started at: 1.04pm	Closed at: 2.11pm
Chair	Shane Sullivan – Unit Manager Governance and Risk	
File Ref	F2018/00732	

**Present:**

Gary Chestnut, Joy Cooper, Barbara Wills

**Staff present:**

Luke Sulkowski – Unit Manager Environmental Management, Shane Sullivan – Unit Manager Governance and Risk (attending as CEO Delegate), Larry Melican – Section Manager Natural Assets and Biodiversity, Kelly Drover – Advisory Group Support Officer

**Item 1 Welcome, Apologies and Acknowledgement of Country**

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Apologies received: David Farmer – CEO

As per the Terms of Reference, the Councillor representative on the Committee is the Chairperson. Due to the suspension of Councillors by the Minister until 29 April 2021, the Committee nominated Shane Sullivan to act as Chairperson at today's meeting.

The Chairperson declared the meeting open and completed an Acknowledgement of Country and Connection to Land statement.

**Item 2 Disclosure of Interest**

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The Chairperson called for any declarations of interest.

Gary Chestnut declared a significant non-pecuniary interest in regard to Item 6 discussions as he is a member of the CEN Executive. He left the meeting for consideration of Item 6 (part related to CEN).

Joy Cooper declared a less than significant non-pecuniary interest in regard to Item 6 discussions as she is a member of CEN.

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**Item 3 Confirmation of Previous Meeting Record and Action Log**

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The Committee confirmed the Meeting Record from 18 August 2020.

The Committee discussed the Action Log, noting that all actions were listed for discussion at this meeting.

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**Item 4 Update on stand-alone website for the Trusts (Action 86)**

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Shane Sullivan (Unit Manager Governance and Risk) advised that the stand-alone website for the Trust has been tested and is now live and successfully able to take donations.

<https://protectionoftheenvironmenttrust.org.au/>

**Action:** Shane Sullivan to liaise with the Communications team to draft the media release for the Trust website ensuring it is made clear that money spent is Protection of the Environment Trust funds and not Council funds. The media release is also to reference the grants program and the ability for applications to be received. Draft media release to be circulated to the Committee for review prior to release.

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**Item 5 Philanthropy Support for the Trust (Action 87)**

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Shane Sullivan (Unit Manager Governance and Risk) discussed the Philanthropy advice that was provided at the 26 May 2020 meeting. At that meeting the Committee resolved to defer this item to the first PoET meeting of 2021.

**Action:** Staff to liaise with the Communications team requesting costs of advertising in local media and to find out if there is anyone local who provides similar services to those organisations detailed in the Philanthropy Advice briefing note.

**Action:** Philanthropy support to be included on the agenda for the next PoET meeting.

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**Item 6 Grants Program (Standing Agenda Item)**

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Shane Sullivan (Unit Manager Governance and Risk) provided an update on the status of COSS Book. At the 11 May 2020 Ordinary Council Meeting, Council resolved to release the \$8,200 subject to conditions which the Committee agreed to at the 25 February 2020 meeting. A letter was sent to Mr Bell providing details of those conditions and advising that all actions need to be completed with evidence provided before any money is released.

Shane has been corresponding with Mr. Bell following up on two outstanding items:

- A letter from the appropriate legal entity confirming their agreement to partner on this project.
- A table setting out the funding sources and amounts demonstrating that the balance of the funding has been secured.

**Action:** Shane Sullivan to follow up with Mr. Bell advising that the Protection of the Environment Trust Committee is interested in an update on the COSS Book Project.

Gary Chestnut left room at 1.26pm for the CEN discussion and returned at 1.31pm at the conclusion of this discussion.

Larry Melican (Section Manager Natural Assets and Biodiversity) discussed the requests from CEN and WIRES to extend the project acquittal dates due to delays associated with COVID.

**Action:** The Committee agree to an extension of the project acquittal date for CEN (reference POET003201819) until 31 July 2021. Should a further extension be required an additional request will need to be put forward to the Committee for consideration.

**Action:** The Committee agree to an extension of the project acquittal date for WIRES (reference POET004201920) until 31 July 2021. Should a further extension be required an additional request will need to be put forward to the Committee for consideration.

## **Item 7                      Update from Finance**

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The Committee discussed the Trust income statement, in particular the conservation agreements for COSS The Scenic Rd and Umina Coastal Sandplain Woodland (45 Hillview Street, Woy Woy).

**Action:** Environmental Management staff to provide proposals at the next meeting addressing the amounts in the financial report for Scenic Rd and Umina Coastal Sandplain Woodland and in particular:

- The intent of funds for Umina Coastal Sandplain Woodland.
- The value and degree of works to be undertaken at Scenic Road.

**Action:** Staff to provide clarification on the following:

- Whether there is a conservation agreement for Rumbalara Reserve as this is not listed on the income statement and the Trust was meant to be receiving \$95,000 over the first 10 years.
- Why Pearl Beach Scraping is included within accounts as there are no funds listed against it.

### Internal Review of Trust Financial Accounts (Action 85)

There was an action from the 26 May 2020 Protection of the Environment Trust Management Committee meeting as follows:

*The Committee request Finance staff to complete an internal review of Trust financial accounts and provide advice on what factors might trigger a routine audit of the Trust.*

Clause 26 of the Trust Deed states:

*The Trustee must, at the expense of the Trust, cause the financial statements of the Trust Fund to be audited at least once in each accounting period by an approved auditor appointed by the Trustee.*

**Recommendation:** The Committee recommend to Council that Council as Trustee engage an approved auditor to undertake an audit of the trust fund in accordance with Clause 26 of the Trust Deed and that this occur annually.

Clarification around \$225,000 donation including DGR benefit (Action 91)

There was an action from the 18 August 2020 Protection of the Environment Trust Management Committee meeting as follows:

*Staff to investigate and provide further clarification around the \$225,000 donation, whether there was a DGR benefit and which fund the money should go into.*

The \$225,000 referred to relates to the Umina Coastal Sandplain Woodland (45 Hillview Street, Woy Woy).

Council has sought advice and the donation was not subject to any tax benefit and would have been unlawful to be claimed as such. The payment is not considered a gift under the Trust Deed and should be appropriately credited to the Trust Fund bank account, rather than that of the Public Fund.

The Committee discussed the funds in the Public Fund and Trust Fund. The Committee noted that this would be reviewed as part of the audit with advice provided regarding any transfer of funds between the Public Fund and the Trust Fund. The Public Fund receives taxable donations and the Trust Fund receives all other monies.

**Action:** The Committee request the appropriate staff member from Finance attend the next meeting to be able to provide any clarification on the Financial Statements.

**Item 9                    General Business and Close**

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No General Business was discussed.

The meeting closed at 2.11pm

**Next Meeting:            June 2021**