

Minutes for the Leards Forest Environmental Trust Inc. Meeting

Meeting Held: 29 October at 12:00pm

Venue: Boggabri Golf Club

Present: Cath Collyer (CC), Cr Robert Kneale (RK), Darren Swain (DS), Hamish Russell, Cr Lloyd Finlay (LF), Peter Forbes, Ros Druce (RD), Sebastian Moreno (SM), Julie Heiler (JH)

Independent Chair: David Ross (DR) **Independent Secretary:** Debbie Corlet (DC)

Apologies: N/A

1. Welcome & apologies

DR welcomed everyone to the meeting.

2. Business Arising and Previous Minutes

The minutes were endorsed by members as an appropriate summary of what was discussed at our May meeting. Actions on DR as per below:

- Contact Ros Solomon and see if she is able to assist with the production of the Fact Sheets. Has tried numerous times but she is not replying.
- Contact Fairfax Public School re irrigation system. The irrigation system has been installed and the school is very appreciative.
- Contact Lyndell Crowley re interest in Trust membership. Has tried numerous times but she is not replying. Lyndell works shift work which may make things tricky for her. However, DR has spoken to Colleen Fuller who would be happy to come on to the Trust.

Having Colleen join the Trust was endorsed by the majority of members.

3. Review and consideration of applications

DR observed that while the Trust normally receives 1 to 3 applications, today there are 14 with approximately 60 documents as attachments included. As the Chair, DR confirmed that will continue not to vote on any of the applications as this isn't his community.

The 4 criteria used for assessments are:

- Works must take place within 25 km radius of the Forest
- Must have insurance
- Must have access to the land
- Will the project be completed within 12 months

DR finally observed that key objectives for the Trust have always been to maintain our integrity and be transparent. Some applications might be valid but can't be approved today so in principal we approve them but maybe they need more information, and they reapply.

JH – I think we need to determine how much we are going to spend, first? If the Trust is going to survive long term as the Council is going to continue contributing, so need to keep some money in there from the mines as well. So, I think we need to work out how much to spend first.

LF – Just need to ensure there is around \$3,000 left for an audit each year.

DR – In the bank at the moment, there is approx. \$215,000. Minus what is required for the audit of \$3,000. There could be another audit to be required for this financial year as well.

HR – There are lots of applications and just need to remember not all of them may meet the criteria and may sit outside the Trust.

CC – I think we have to limit how much we do spend. Individual applications and then the school who put in 8 applications. Broader scope for the whole area. Social side plus environmental projects that also addressed the social side, such as the solar power that was given to the church. We need to go through them one by one and remove the ones that aren't suited and go from there.

DS – So, do we want to spend the \$200,000 that is in the kitty or do we spend around \$100,000 now and leave some in the kitty whilst some cash is still coming in.

LF – Need to also consider that some groups might be able to get funding from elsewhere as well, so we should be able to spread the money out. Need to take it all into account.

DR – So everyone is in agreeance that \$100,000 is the “rule of thumb” limit for approvals today? That we can go a little below that figure or a little above that figure, depending on the quality of applications? This was agreed to by members

JH – Some projects have received funding in the past which we need to keep in mind as well and might be classed as minimal part of the broader community, e.g. there might be only 6 or 7 who have kids. We to ensure that we approve to the maximum potential of supporting the whole community. Fairfax School was a big investment by the Trust into that little school. Can't keep coming back for more as we need to spread it around to the whole community as much as possible.

RD – Has spoken to various members and indigenous community members and then read out from a document. Noted that the Department of Planning mining consent conditions require the companies operating in the forest to make provisions for the impacts to the natural environment by forming the Trust. Expressed a concerned in the change of the Trust fund away from offsetting impacts to the forest and its habitat. Therefore, the Trust needs to set our clear criteria for submissions and refocus on natural environmental programs as stated in the consent conditions (see **Appendix 1** for further details).

RD – There was a drought and there were no other applications. I think we lost sight of what this program was for (by allowing social and built environment programs to be approved after seeking advice and support from DPIE).

A discussion was then held on the merits of RD's proposal.

CC – The projects in the past that you are talking about that did get funding like the solar, is part of the community. I had no conflict of interest for solar, men's shed, environmental paint etc. That's how I view the Trust. I don't feel we were moving away from what the program is about, it was just what some of the applications were for. We agreed that it is about the environment and then we had a discussion and agreed that it is also about the social environment. I don't think we've moved away from the core essence, but we need to discuss each one of these and we may not necessarily give it to them. So, I don't think we've moved that far away. I want an example that you don't feel were suitable and did not fit in.

RD – Now is the time to reset that we are moving away from it.

JH – The natural environment, the social environment and the community – they exist as one. You need a healthy community. Tarrawonga could have an individual Trust of their own but John Turner made the Constitution to protect us and our decisions.

RD – I’m talking about what the money is meant for. What it was originally meant for. I’m not saying things like solar panels shouldn’t go in there but things like playground equipment / schools etc – they should be directed to the Department for funding, not us.

DR – We can’t control the applications received and what comes in.

RD – The applicants are confused because they don’t know the criteria. We have spent a lot of time on our Constitution but not enough time on the clarity of what it is for. The outline is too broad and so anyone can apply for anything.

DR – Let’s go into the applications and go from there with each application but I want everyone to be mindful of what Roz has brought to the table. please.

CC – Let’s discuss and get rid of the ones that don’t belong and just work on the ones that do fit in here.

The committee then reviewed the applications. RD noted that she would not vote.

Applicant	Approved	Amount	Comments
Boggabri Community Church	No	N/A	Doesn’t fit the criteria – in terms of true environmental outcome.
Geni Energy	No	N/A	Concerns by the Trust that the applicant did not have the rights to any land. Furthermore, a concern raised that the Trust should not be providing funds to businesses – Trust should fund local community projects. Doesn’t fit the criteria.
Boggabri Home and Community Care	No	N/A	Withdrawn
Boggabri Golf Club – Tree lopping	Yes	\$10,000	Rejuvenate trees heavily impacted by the drought and reduce any safety impacts from falling branches. One quote provided. Meets the criteria.
Fairfax School – 8 applications received			
1. Water Works	No		CC – Received too late and we haven’t received the proper info and should go to the Department of Education to fix. Doesn’t meet criteria. LF – Should be Dept of Education’s responsibility, not the Trusts. RD – This is an upgrade – that is Department. Agreed by members that it is not appropriate to fund the works.
2. Defibrillator	No		Doesn’t meet the criteria. JH – The Defibrillator is in the fire shed and the keys are on the outside in case of emergency. It is available but you need training to use it. RD – I spoke to fire brigade and they don’t really want people coming in. LF – The defibrillator is in the fire truck and there is a code and only certain people know

Applicant	Approved	Amount	Comments
			<p>the code. They are particular about who goes in there.</p> <p>DS – Defibrillators are critical and a great initiative, but I don't think it meets the criteria.</p> <p>CC – Even though a good thing it doesn't meet the criteria as such. (Agreed by members).</p> <p>RD – It needs to be in a local place.</p> <p>PF – At the mine, we have a community fund and if someone applied, it would be looked at favourable at Boggabri Coal.</p>
3. Replacement of fence on western side	No		Doesn't fit the criteria.
4. Fun and Safety in Playground	No		<p>They would need to replenish the sand on an annual basis. They could raise funds.</p> <p>LF – There is already something there, so it should be the Department (of Education's) responsibility.</p> <p>Everyone agreed it doesn't fit the criteria.</p>
5. Kitchen Garden Upgrade	Yes	\$6,791	<p>JH – Kitchen garden in tyres – teaching the kids lots of things including water efficiency.</p> <p>Everyone approved.</p>
6. Yarning Circle Construction	No		<p>RD – Trying to find out if there are indigenous children at the school.</p> <p>Peter – I get everything else but not the yarning circle.</p> <p>JH – I don't think it meets the environmental side and should be the Department of Education's responsibility.</p> <p>DR – It is teaching the kids about the land.</p> <p>CC – Kitchen garden – yes but not the yarning circle. (Agreed to by members that it does not meet criteria)</p>
7. 21st Century Digital Citizens	No		Doesn't fit the criteria.
8. Tribute Garden	No		<p>CC – Grey area for me.</p> <p>JH – Should be part of the P&C.</p>
Building Enhancement Project	No		Doesn't fit the criteria.
Removal of Asbestos / Septic Tank	No		Doesn't fit the criteria.
Total Approved		\$16,791	

CC – We should all review the criteria and what it is about.

RD – We need to be more direct for what our Trust will cover. Narrabri Shire lists grant options on their website, maybe we need something similar to avoid any confusion.

DR – Will talk to LF about it.

4. General Business

JH – Mentioned that Lyndell is working shift work at the moment and that may be why she is hard to reach at the moment.

DR – Mentioned that maybe Colleen from Tarrawonga might be interested as joining as a community rep.

HR – Said that Colleen is very community minded.

DR – Mentioned that late November we will hold an AGM just over Zoom or phone which will take no more than 15 minutes.

CC – Said she's only available between 10:00 am and 2:00 pm.

Nominations for roles.

President – David
Vice-President - Roz
Treasurer – David
Secretary – Deb

ACTION: DR to write a letter to Dan Martin to thank him for his time and contribution.

PF – Announced he has resigned and is retiring but will continue to be involved in Boggabri.

DR – Thanked Peter for all his involvement in the Trust.

Meeting closed at 1:31 pm.

Date for next Meeting

To be held in May 2021.

Action List

Action Owner	Action to be completed
DR & LF	List of what the Trust covers. Talk to Lloyd about what is listed on the Narrabri Shire website.
DR	DR to write a letter to Dan Martin to thank him for his time and contribution.

Environmental Trust Priorities 2020

Prior to mining expansion, the Leard Forest was an 8000 Ha biodiversity hotspot that was originally identified by the NSW Government as a Biodiversity Area that was 'irreplaceable,' and noted that it 'cannot sustain any further loss' and the Draft Strategic Regional Land Use Plan determined that its existence was 'critical to biodiversity persistence.'

With mining, the protections afforded to the environment under the NSW Forestry Act 1916, such as management for the public good, the preservation of soil, the provision of timber and the protection of flora and fauna were lost. Also, our community has lost the ecosystem services and non-use values that Leard State Forest provided to our region.

It is our understanding that the use of offset land is one part of environmental compensation. Community Funds, Council Funds and the Environment Trust under PA 10_0138 Condition 17 (&Appendix 3) are others to compensate for impacts. It is important to note that in this context, the Environmental Trust is designed for "environment" projects and the environmental program is designed to operate in tandem with the other Funds.

Additionally, the Dept of Planning Mining consent conditions requires the companies operating in the Leard State Forest to make provision for the impacts to the natural environment by forming the Leard Forest Precinct Environmental Trust.

The community understood that the Leard Forest Precinct Environment Trust Fund was designed to provide for impacts to the Leard State Forest and its habitat only and that it was not a means to redress impacts to ground water, health issues, community impacts, loss of recreational use, non-use values or any other impact that does not relate to the native vegetation and habitat of the Forest.

I am concerned amongst other things, in the change of the focus of the Environmental Trust fund away from offsetting impacts to the Leard State Forest and its habitat.

It was my understanding the influence of state government stopped with the establishment of the PA consent conditions.

Excerpt from an email to Steve O'Donoghue & Mike Young, from David Ross, dated 7th August 2019.

Attachment 1: Email from Darren Swain, dated 6th August 2019

Hi David,

Currently the Maules Creek Project Approval Voluntary Planning Agreement signed by the Narrabri Shire Council (NSC) General Manager Dianne Hood and Maules Creek Coal Pty Ltd Director Jamie Francombe on 2 May 2014 notes on page 6 *Contributions Clause 6.3*:

The table on page 14 also notes "*Funds to be held in trust for "Environment" projects and to be administered by the Community Consultative Committee (CCC)" and "The Council and MCC will work through the CCC to administer the funds....."*.

Unfortunately, we as the Trust have not set-out clear criteria for the submissions.

As a result, we have taken the easy way out when there were no applications during the 2018 round of funds in the middle of a drought no less, and broadened the criteria just to get submissions for the funding.

Although it was a joint decision at the time to change the criteria it goes against the Leard State Forest Precinct Environmental Trust Fund principal objectives and has lost clarity of vision for the allocation of these funds.

If it is possible, and the fund has changed its definition of what can be funded, then it is important that the Fund re-establishes its clear vision and clarity of purpose around offsetting impacts to the Leard State Forest and its habitat, in order to re-establish community confidence.

Re-establishing a clarity of purpose for the Environmental Trust

The current round of applications makes it clear that there is an obvious need to re-establish an understanding of the role of the Environmental Trust as opposed to a Community Fund. As an example, other Funds from the Maules Creek Mine (Appendix 3 from PA 10_0138) alone include the following:

1. Maules Creek Community Fund,
2. Boggabri Community Fund,
3. Therribri Road Fund,
4. Tarriaro Bridge Fund and
5. Narrabri Airport Fund.

It is clear from Appendix 3 from PA 10_0138 that there are many other funds associated with the mining companies in the region.

The Environmental Trust must refocus on “environmental” Programs as is stated in the Consent conditions (PA 10_0138 Appendix 3).

Purposes and Programs

The Leard Forest Precinct Environmental Trust must ensure it is focussed to achieve a net benefit to the environment for native vegetation and habitat impacts.

The environment needs the best outcome and it will occur by:

1. funding on ground works and training to assist landowners in the 25km zone to improve existing native habitat on their lands, sequester carbon in the landscape and reduce their environmental footprint.
2. Opportunities to co-ordinate with local landowners the management of remnant vegetation outside the offset area based on an incentive program. The goal is to extend the value provided by the mining company offsets.
3. By developing Renewable Energy Projects to reduce our dependence on fossil fuels.

Funding guide

The community would like to see the programs continue to be delivered via a grants program. The annual grant funding to be split 50% to Renewable Energy Projects and 50% to “on ground” works in the 25km region.

Representation on the Trust

With this change, it is also important to reconfigure the Trust to include those groups who are absent- i.e. inclusion of local Traditional Owners from within the Red Chief boundary and environment representatives.

This will ensure that the community is likely to be more satisfied that the funds are equitably administered and that transparency and accountability are increased.

Advertising

Going forward, I would suggest that we provide these kinds of ideas to the community to enable them to write applications that are tailored to meet the needs of our local environment in order for it to gain a net benefit from mining. I would be happy to assist the Chair in drafting wording for advertising in order to receive applications that can be funded.

Additionally, we should sensitively let those who recently submitted applications, who fall outside the options above know there are other opportunities to gain funds from other grant sources.

As for the submissions that we have received this round, I would like to suggest that we make a 'Short-list' of those that meet the Environmental Criteria, and once the Trust has set clear guidelines of those Criteria then we can proceed to make a determination on those submissions with confidence that we have followed the original intent of the Trust distribution of funds.

plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

COMMUNITY ENHANCEMENT

17. By the end of March 2013, unless the Secretary agrees otherwise, the Proponent shall enter into a planning agreement with Council in accordance with:
 - (a) Division 6 of Part 4 of the EP&A Act; and
 - (b) the terms of the Proponent's offer in Appendix 3.

The Trust members spent a great deal of effort to get our constitution right, now we need to outline the criteria so applicants are clear as to what the LSFP Trust is able to fund.

Some examples for the flyer that may not have been adhered to in our past approvals.

- * Obligations of successful applicants – Provide evidence of appropriate insurance coverage.
- * What cannot be funded – Projects that are the responsibility of the Australian or NSW Governments – (Dept. of Education as an example)
- * The wording of VPA pertaining to the contributions by the mining companies is confusing and may need to be reworded to only state the co-contributors by name.
- * The 25km radius – *'however does not preclude interested parties who reside or operate outside of that area from applying for a grant'*. e.g. Red Chief (Mitchum has asked on a few occasions if they could submit an application and has been knocked back due to the 25km boundary limit)
- * Trust members must undertake their duties within the principals of ethical conduct – integrity, objectivity and independence. All members must be and seen to be independent from project submissions.

Ros Druce
29th October 2020