

HERBERT RIVER IMPROVEMENT TRUST

GENERAL MEETING MINUTES

THURSDAY 13TH AUGUST, 2009
AT 9.00 A.M.



A. ATTENDANCE -

Present were Mr. W.H. Pickering (Chairperson), Cr. G.P. Gianotti (Member), Cr. P. Lynch (Member), Mr. R.W. Clark (Trust Secretary), Mr. B.E. Leach (Trust Engineer) and Mr. S. Hall (Trust Works Manager).

B. MINUTES -

Confirmation of Minutes of the General Meeting held on 2nd July, 2009.

Resolved – That the minutes of the General Meeting held on 2nd July, 2009 be approved.
(*Crs. Lynch and Gianotti - Carried*)

C. WORKS REPORT -

Consideration of Trust Engineer's July, 2009 report of works performed to date and activities in progress.

Resolved – That the Report be received and noted and the Trust convene a Special Meeting to inspect the new Riverbank Damage Priority Listing at 8.00 a.m. on Thursday 20th August, 2009.
(*Crs. Lynch and Gianotti - Carried*)

That the proposal dated 20th July, 2009 submitted by BMT WBM to carry out the flood modelling of the Lower Herbert for a total fee of \$59,680 be accepted.
(*Crs. Gianotti and Lynch - Carried*)

D. ACCOUNTS FOR PAYMENT -

1. The Secretary submitted accounts for payment as hereunder and statements of receipts and disbursements for the period up to 13th August, 2009:-

<u>General Fund</u> -	Cheque	\$NIL
	EFT	\$49,660.91
		<u>\$49,660.91</u>

Resolved – That payment of accounts as submitted be approved and the statement of receipts and disbursements be received and noted.
(*Crs. Gianotti and Lynch - Carried*)

E. CORRESPONDENCE –

1. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Brisbane, 18th June, 2009, advising that on the 2nd June, 2009 Parliament passed both the *Right to Information Act 2009* (the RTI Act) and the *Information Privacy Act 2009* (the IP Act) and while the commencement date has not been set, it is expected to commence on the 1st July, 2009 which will replace the *Freedom of Information Act 1992* (the FOI Act) and Information Standard 42, *Information Privacy* (IS42) which are to be repealed.

Further advising that there are four broad requirements the Trust may wish to pay particular attention:-

- Replacement of the information access and amendment rights in the FOI Act;
- Introduction of publication schemes;
- Introduction of disclosure logs;
- Greater information privacy compliance obligations.

Resolved – That the advice be received and noted.
(Crs. Lynch and Gianotti – Carried)

2. ANDREW CRIPPS MP, MEMBER FOR HINCHINBROOK, Ingham, 2nd July, 2009, forwarding copy of correspondence forwarded to The Hon. Anna Bligh MP, Premier of Queensland supporting the Trust in its proposal for funding for the damage caused to the banks of rivers and other watercourses as a result of the February, 2009 flood event. (101/0002)

Resolved - That the advice be received and noted.
(Crs. Gianotti and Lynch – Carried)

3. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Cairns, 2nd July, 2009, seeking the Trust's views and / or requirements in relation to an application received from Mr. J.R. Pelleri to renew Term Lease No. 211993 described as Lot 546 on CWL3554 on Townsville Road, Ingham which is over a Reserve for Drainage purposes with Hinchinbrook Shire Council as the Trustees of the Reserve. The proposed use of the lease is for grazing purposes. (076/0027)

Trust Engineer's Comment – The Trust does not have any assets or interests in this locality, therefore is unlikely to have any interest in the dealing. See attached plans.

Resolved – That the Trust advise the Department that it has no objection to the Renewal of Lease application and has no requirements.
(Crs. Lynch and Gianotti – Carried)

4. HON. STEPHEN ROBERTSON MP, MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY AND MINISTER FOR TRADE, Brisbane, 9th July, 2009, advising that the Government supports the independent reviewer's recommendations into the review of government bodies – *that the functions of river improvement trusts be transferred or incorporated into local governments, with all responsibilities and powers required to undertake their activities* – and appreciates the dedication and service of those who serve on government bodies and acknowledges the importance of engaging with the community and industry on matters affecting Queensland.

Further advising that the Minister has asked the Department of Environment & Resource Management to develop an implementation plan for the review's recommendation which will address issues such as local government support for incorporating the functions of river improvement trusts and management issues relating to the Trust's assets and liabilities. Assuring the Trust that the Department will work closely with the Trust in implementing the review's recommendation and the Department will contact the Trust in the near future. (101/0002)

Resolved – That the advice be received and noted.
(Crs. Lynch and Gianotti – Carried)

5. OFFICE OF THE PREMIER – SENIOR POLICY ADVISOR, Brisbane, 21st July, 2009, on behalf of the Premier, acknowledging receipt of the Trust's letter dated the 29th June, 2009 concerning damage caused to the banks of rivers and other watercourses in the Shire and advising that the matter has been referred to the Hon. Stephen Robertson MP, Minister for Natural Resources, Mines and Energy and Minister for Trade for consideration and direct response to the Trust. (101/0002)

Resolved – That the advice be received and noted.
(Crs. Gianotti and Lynch – Carried)

6. ANDREW CRIPPS MP, MEMBER FOR HINCHINBROOK, Ingham, received 21st July, 2009, forwarding copy of correspondence received by Mr. Cripps from The Hon. Anna Bligh, Premier of Queensland advising that his correspondence regarding the Trust damage has been forwarded to The Hon. Stephen Robertson MP, Minister for Natural Resources, Mines and Energy and Minister for Trade for consideration and direct reply. (101/0002)

Resolved – That the advice be received and noted.
(Crs. Lynch and Gianotti – Carried)

7. JOHN CARRUTHERS, Halifax, 13th July, 2009, requesting the Trust to attend to the devastation that occurred to his property at 45 Mona Road, Halifax during the 2009 floods in Halifax. Advising that from his past experience as a Grader Driver and a Works Foreman, he believes that there was no compaction carried out on the levee foundation prior to the besser blocks being placed. Further requesting the Trust to provide him with a copy of the tender documents for the levee bank and telephone number of the design engineers, and inviting the Trust Engineer and others to inspect the major problem that he has. Advising that he has forwarded photographs, however no photos attached. (103/0020)

The meeting was attended by Mr. John Carruthers at 11.00 a.m. and during discussions he showed photographs of the levee and flood heights and expressed his concern at the seepage experienced during the 2009 flood.

Resolved – That Mr. Carruthers be advised that the Trust will repair the flood damage to the levee foundation but the Trust has no resources to carry out any work to prevent seepage caused by underground aquifers.
(Mr. Pickering and Cr. Lynch – Carried)

8. 2009 / 2010 ANNUAL WORKS PROGRAM.
Consideration of Form B – Financial Summary for Proposed Annual Works Program for the 2009 / 2010 financial year.

Resolved – That the action of the Trust Chairperson in submitting the Form B be endorsed.
(Crs. Gianotti and Lynch – Carried)

9. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 28th July, 2009, seeking the Trust's views and / or requirements in relation to an application received by the Department for a Riverine Quarry Material Allocation received from Mr. Peter Giandomenico. The application is for the extraction of up to 8,000 cubic metres per year of sand from the bed of the Herbert River adjacent to Lot 4 on RP707788 and Lot 5 on RP749050. Access to the site is via Abergowrie Road, through these properties via an existing access track through to the bed of the Herbert River. Removals are proposed from a point bar deposit adjacent to the river bank and the type of deposit being targeted is generally in keeping with departmental objectives for river management. There are existing, smaller scale operators at this site. (101/0002)

Resolved – That the Trust advise the Department that it has no objection to the Riverine Quarry Material Allocation Application by Mr. Peter Giandomenico and has no requirements.
(Crs. Gianotti and Lynch – Carried)

10. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 28th August, 2009, seeking the Trust's views and / or requirements in relation to an application for Permit to Occupy received of an area adjoining Lot 1 on L46927 at Ogg Street, Lucinda. The proposed use of the land is for Residential (extended use and maintenance of garden and lawn). (077/0001)

Resolved – That the Trust advise the Department that it has no objection to the Permit to Occupy application and has no requirements.
(Crs. Lynch and Gianotti – Carried)

11. STATE COUNCIL OF RIVER TRUSTS' QLD INC, Fig Tree Pocket, 5th August, 2009, forwarding Minister of the State Council of River Trusts' Qld Inc., Minutes of the Executive Meeting held on the 29th July, 2009. See attached Minutes.

Resolved – That the advice be received and noted.
(Crs. Gianotti and Lynch – Carried)

12. PROPOSED "BUY BACKS" OF DAMAGED RIVERINE AREAS.
Consideration of correspondence dated 7th August, 2009 from Trust Engineer to Mr. Errol Colman, Department of Environment & Resource Management and P.R. & R.D. Trotter regarding the proposed "buy backs" of damaged riverine areas where repair estimates far exceeded the value of land protected.

Resolved – That the advice be received and noted and the Trust endorse the action proposed by the Trust Engineer.
(Crs. Lynch and Gianotti – Carried)

13. PLACEMENT OF SECTION 11 RIVER IMPROVEMENT NOTICES OVER HALIFAX LEVEE
Consideration of present position of Section 11 River Improvement Notices over Halifax Levee.

Resolved – That consideration be deferred pending a survey and establishment of the exact width of the Section 11 Notice area in relation to each property.
(Crs. Gianotti and Lynch – Carried)

14. STATE COUNCIL OF RIVER TRUSTS' QLD INC, Fig Tree Pocket, 11th August, 2009, advising that the Annual General Meeting of the State Council will be held in Brisbane on Friday 23rd October, 2009 rather than at the annual conference in Cairns due to the State Government's decision to dissolve Trusts with a transition date of 30th June, 2010. Officers from the Department of Environment and Natural Resources will attend the meeting to address delegates on the issues to be taken into account in implementing the Government's decision and Officers have requested as many local government appointed members of Trusts as possible attend the meeting to ensure they are made fully aware of the process. Delegates will be given an opportunity to raise all issues relating to the transfer of Trust functions to local government before the Department prepares the legislation. Further advising that lunch will be provided on the day of the meeting and a dinner will be held on Thursday the 22nd October, 2009. (101/0008)

Resolved – That the Trust be represented at the Annual General Meeting by the Trust Chairperson, Trust Members, Trust Secretary, and Trust Engineer.
(Crs. Lynch and Gianotti – Carried)

15. EMERGENCY MANAGEMENT QUEENSLAND, Brisbane, 7th August, 2009, advising that the Funding Agreement for Further Modelling – Lower Herbert under the Natural Disaster Mitigation Program as been signed by the Department of Community Safety and forwarding the Trust's executed copy. The total approved value of the project is \$90,000 with the first payment being \$33,000. As indicated in the Project Plan for the Further Modelling – Lower Herbert, status reports are required to be provided to the Department in a timely manner for approval to ensure progressive payment are made. (104/0011)

Resolved – That the advice be received and noted.
(Crs. Gianotti and Lynch – Carried)

16. RECORD OF SPECIAL DISCUSSIONS – THURSDAY 6TH AUGUST, 2009.
Consideration of Report from Trust Secretary dated 12th August, 2009 regarding Special Discussions held on Thursday 6th August, 2009 with Department of Environment & Resource Management Officers, Trust Members, Councillors, Mr. Bruce Mahony, Mr. Doug Mahony and Mr. John Mahony regarding the Halifax Washaway, the Mombelli Levee and other associated levee problems in the Lower Herbert area.

Resolved – That the Report be received and noted and the Trust commence negotiations with Messrs. Mahony to purchase the area of land under discussion with the aim of protecting the existing river outflows.

(Crs. Gianotti and Lynch – Carried)

17. **BUDGET 2009 / 2010.**

Consideration of the draft 2009 / 2010 Budget and Annual Report and the financial Statements for 2008 / 2009.

Resolved – That the draft 2009 / 2010 Budget and Annual Report and the Financial Statements for 2008 / 2009 as presented be adopted.

(Crs. Lynch and Gianotti – Carried)

G. **CONCLUSION** – The meeting concluded at 3.30 p.m.

(Sgd) Mr. W.H. Pickering,
TRUST CHAIRPERSON.