

HERBERT RIVER IMPROVEMENT TRUST

GENERAL MEETING MINUTES

THURSDAY 7TH JUNE, 2012

AT 9.00 A.M.



- A. ATTENDANCE – Present were Mr. W.H. Pickering (Chairperson), Cr. W.G. Skinner (Member), Cr. D.G. Carr (Member), Mr. R.W. Clark (Trust Secretary), Mr. B.E. Leach (Trust Engineer), and Mr. S. Hall (Trust Works Manager).

Cr. W. Skinner left the meeting at 9.50 a.m. to attend the NRM Meeting on Cattle Creek and Frances Creek Flooding Issues at the Brothers Leagues Club.

The Trust considered the issue of NRM not accepting the Timely & Preventative Works (TPW) Submission and NDRRA 2011 Restoration Submission.

Resolved – That the Trust seek a meeting with the Minister for Natural Resources & Mines and Member for Hinchinbrook, The Hon. Andrew Cripps to discuss these issues in the next two (2) weeks.

(Crs. Carr and Skinner - Carried)

- B. MINUTES -

Confirmation of Minutes of the General Meeting held on the 26th April, 2012.

Resolved – That the minutes of the General Meeting held on the 26th April, 2012 be approved.

(Cr. Carr and Mr. Pickering - Carried)

- C. WORKS REPORT –

Consideration of Trust Engineer's April / May, 2012 report of works performed to date and activities in progress.

Resolved – That the Report be received and noted.

That the Trust advise Terrain NRM that the Trust cannot proceed with critical watercourse riparian and beach recovery projects pending clarification of the eligibility of these works for restoration funding from NRM.

(Mr. Pickering and Cr. Carr - 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 7th June, 2012:-

<u>General Fund</u> -	Cheque	\$Nil
	EFT.....	<u>\$26,403.66</u>
		<u>\$26,403.66</u>

Resolved – That payment of accounts as submitted be approved and the statement of receipts and disbursements be received and noted.

That the Trust reimburse Council for the cost of the AECOM NDRRA Consultancy and that the Minister be requested to approve this budget variation.

(Cr. Carr and Mr. Pickering - Carried)

E. CORRESPONDENCE –

1. DEPARTMENT OF NATURAL RESOURCES & MINES, Brisbane, 3rd April, 2012, thanking the Trust for letters dated 1st March and 7th February, 2012 and acknowledging that the former DERM received the Trust's letter outlining its concerns regarding the Natural Disaster Relief and Recovery Arrangements (NDRRA) now administered by DNRM. Noting the Trust's concerns regarding the appropriateness of the three month timeframe for submissions for timely and preventative works and asset restoration following Cyclone Yasi. Advising the Department took into account the extent of damages and extended the eligibility period for submissions by another five months from May, 2011 to October, 2011 which was determined in consultation with the Queensland Reconstruction Authority. The Department administers the NDRRA measure related to restoration of essential public assets and also assesses applications for assistance and approved reimbursement of NDRRA claims by River Trusts and Drainage Boards in Queensland. In carrying out this function the Department has a responsibility to ensure that works proposed conform to the Commonwealth NDRRA determination, as interpreted in the Queensland Disaster Relief and Recovery Arrangements 2009/2010 published by Emergency Management Queensland. This includes requirements to ensure that works are for repair of essential public assets; the proposed restoration is to reinstate the asset to its pre-disaster standard; and that the repairs are completed within the prescribed timeframe. River Trusts must conform to the eligibility requirements of the NDRRA and the statutory requirements under the *River Improvement Act 1940* in conducting its operations. Mr. Gary Jensen of the Department advised affected River Trusts via correspondence dated 29th March, 2012 that a further activation of disaster relief and recovery arrangements had occurred. (103/0025)

Resolved – That the advice be received and noted.

(Mr. Pickering and Cr. Carr - Carried)

2. STONE RIVER INSPECTION.

Consideration of advice from Mr. Lex Exelby of Stone River on the 4th April, 2012 that he believes the Stone River is cutting a course back to its old route and requesting the Trust to inspect this occurrence.

Resolved – That the Trust await written advice from Mr. Exelby regarding information on his concerns and what is being requested of the Trust.

(Cr. Carr and Mr. Pickering - Carried)

3. DISASTER FUNDING MEETING FOR RIVER IMPROVEMENT TRUSTS IN NORTH QUEENSLAND.
Consideration of advice from Department of Environment & Resource Management dated 12th April, 2012 inviting Trust Members to attend a meeting to discuss disaster funding for River Improvement Trusts in North Queensland at the Centre for Wet Tropics Agriculture, South Johnstone on Friday 27th April, 2012 at 10.30am. Minister for Natural Resources & Mines, The Hon. Andrew Cripps MP will be in attendance at the meeting. (101/0002)

Resolved – That the advice be received and noted.
(Mr. Pickering and Cr. Carr - Carried)

4. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 13th April, 2012, advising following investigations by the Department and consultation with stakeholders, it has been determined that the application for the proposed permanent road closure within Road Licence 6373 (Lot 1 on Crown Plan RL6373) has been refused. Requesting the Trust to update its records accordingly. (104/0001)

Resolved – That the advice be received and noted.
(Mr. Pickering and Cr. Carr - Carried)

5. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 20th April, 2012, seeking the Trust's views and / or requirements in relation to an application received for Renewal of Special Lease over Lot 166 on Plan CWL2925 from F. & R. Giandomenico. Current Lessees have advised they intend to use the land for the same purpose (secondary industry). (101/0004)

Trust Engineer's Comment - The Herbert River Improvement Trust has received a request for views or requirements that the State Land Asset Management should consider when assessing the application to renew leases for Lot 166 on CWL2925. A review of the Herbert River Improvement Trust records has established that Lot 166 on CWL2925 is not in the vicinity of any watercourses or Trust Assets and therefore the Trust would not have any interest in the dealings with this land.

Resolved – That the Trust advise the Department it has no interest, nor any requirements in relation to this dealing.
(Cr. Carr and Mr. Pickering - Carried)

6. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 23rd April, 2012, Manager, Water Management & Use, Mr. Gary Jensen responding to the Trust's letter dated 4th April, 2012 regarding Section 11 Notices for the Alligator Ponds Drainage and Halifax Levee. Advising that Section 11 assumes that this section does not require works to be on a riverbank before it applies. Regarding the Alligator Ponds Drainage and the Halifax Levee, if interfering with vegetation or the levee would be likely to cause or contribute to any damage already done by flood or cyclone to any bank of any river within a river improvement area, it is the Manager's view that Trusts could issue an improvement notice for these works, both vegetative and levee. These views are only those reflected by officers within this department and should not be relied on as legal advice. The Department does not provide legal advice to statutory bodies and he recommends that the Trust obtain their own legal advice on these issues. (103/0005)

Resolved – That the advice be received and noted and the Trust examine the River Trust Act and determine at the next meeting if a legal opinion is warranted.
(Mr. Pickering and Cr. Carr - Carried)

7. QUEENSLAND RECONSTRUCTION AUTHORITY, Brisbane, 27th April, 2012, Chief Executive Officer, Mr. Graeme Newton thanking the Trust for its letter dated 1st March, 2012 regarding submissions by the Trust for funding under the Natural Disaster Relief and Recovery Arrangements (NDRRA). Advising that he has contacted the Department of Natural Resources & Mines regarding issues raised and he understands that since he last spoke with the Trust, there have been ongoing discussions between the Department and the Trust. He also understands that meetings have been arranged between the Hon. Andrew Cripps MP, Minister for Natural Resources and Mins and the Trust. The Authority will continue to liaise with the Department and provide assistance as required. (120/0027)

Resolved – That the advice be received and noted.
(Mr. Pickering and Cr. Carr - Carried)

8. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 3rd May, 2012, forwarding copy of Powerpoint Presentation provided by Mr. Nigel Kelly, Regional Manager, Water Services, Department of Natural Resources & Mines at meeting in Innisfail on Friday 27th April, 2012, together with presentation by Mr. Gary Jensen, Manager, Water Management & Use, and media release outlining agreed outcomes from the meeting.

Resolved – That the advice be received and noted.
(Mr. Pickering and Cr. Carr - Carried)

9. TERRAIN NRM, Innisfail, 8th May, 2012, forwarding details required to brief contractors on the requirements for scope, specifications and statistics for the WRRP project including the finalised scopes document, a series of 3 spreadsheets for the establishment statistics and a revegetation guideline.

Resolved – That the advice be received and noted.
(Mr. Pickering and Cr. Carr - Carried)

10. THE HON. ANDREW CRIPPS MP, MEMBER FOR HINCHINBROOK, Ingham, 11th May, 2012, making representation on behalf of Mr. Brian Butler of 100 Eddleston Drive, Cordelia regarding a large tree which was situated on the riverbank behind his home and which fell down during Cyclone Yasi. Mr. Butler contacted Council following Cyclone Yasi regarding removal of this tree as at that time it was overhanging his shed which housed a caravan being used by Mr. Butler as sleeping quarters. Further representations were also made with Operation Clean-Up however no assistance was forthcoming. Mr. Butler has cleared away a number of smaller branches however as the tree is so large many branches are either too big or too high to reach from either the shed roof or ground level. A number of these branches are now dying and beginning to fall and Mr. Butler is fearful of someone being hurt should a branch fall while he or someone else is in his backyard. The tree was originally on the riverbank and it is uncertain whether any riverbank erosion has occurred as a result of this area enduring a couple of floods during the last 12 months. While the roots and stump are still on the riverbank, large branches have encroached on Mr. Butler's property and are now posing a danger from falling branches. Requesting the Trust to inspect the property to ascertain what assistance can be offered to Mr. Butler regarding the removal of this tree as well as ensuring the riverbank is sound any posing a threat to Mr. Butler's property through erosion or washout. (103/0025)

Resolved – That the issue be deferred to the next Trust meeting to review the history of this matter.
(Mr. Pickering and Cr. Carr - Carried)

11. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 16th May, 2012, Acting Director-General, Mr. Dan Hunt referring to Mr. Dyrick Hobbs' submission dated 7th March, 2012 concerning the Severe Tropical Cyclone Yasi, 2nd February, 2011 event and the Trust's request for additional assistance under Queensland Disaster Relief and Recovery Arrangements to undertake asset restoration.

Advising that the Trust's request for proposed additional works have been refused under Section 4.9.8 of the *Queensland Reconstruction Authority's Submission Guide for NDRRA Funding Applicants* as the submission was made not only outside of the three month deadline stated by the *Submission Guide* but also the extended deadline for receipt of submissions which ended on the 30th October, 2011. Under the circumstances, the Trust's application for \$417,198 cannot be supported and is therefore refused. (103/0025)

Resolved – That the advice be received and it be noted that the Trust will meet with the Minister for Natural Resources & Mines, The Hon. Andrew Cripps on Friday 22nd June, 2012 at 3.30 p.m.
(Cr. Carr and Mr. Pickering - Carried)

12. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 16th May, 2012, Acting Director-General, Mr. Dan Hunt referring to Mr. Dyrick Hobbs' email submission dated 31st January, 2012 concerning the Severe Tropical Cyclone Yasi, 2nd February, 2011 event and the Trust's request for additional assistance under Queensland Disaster Relief and Recovery Arrangements to undertake asset restoration, and to subsequent lodgement of documentation with the Department on the 15th February, 2012 for the sum of \$8,240,000.

Advising that the Trust's request for proposed additional works have been refused under Section 4.9.8 of the *Queensland Reconstruction Authority's Submission Guide for NDRRA Funding Applicants* as the submission was made not only outside of the three months stated by the *Submission Guide* but also outside the extended deadline which ended on the 31st October, 2011. Under the circumstances, the Trust's application for \$8,240,000 cannot be supported and is therefore refused. (103/0025)

Resolved – That the advice be received and it be noted that the Trust will meet with the Minister for Natural Resources & Mines, The Hon. Andrew Cripps on Friday 22nd June, 2012 at 3.30 p.m.
(Cr. Carr and Mr. Pickering - Carried)

13. HRIT NDRRA SUBMISSIONS – CYCLONE YASI.
Consideration of correspondence from Trust Secretary to Department of Environment & Resource Management Acting Regional Services Director, Mr. Nigel Kelly dated 16th May, 2012 thanking Mr. Kelly for agreeing to meet with the Trust on the 17th May, 2012 to discuss the Trust's Cyclone Yasi submissions and forwarding discussion paper setting out the Trust's case for reconsideration of the Department's refusal of its Timely Preventative Works submission, and for clarification regarding the Department's processing of the Trust's restoration submission. Reaffirming the Trust's concerns regarding the possible impacts of the Department's interpretation of "Essential Public Assets" raised at the recent Innisfail Workshop and requesting that this matter be rapidly cleared up.

Resolved – That the advice be received and noted.
(Cr. Carr and Mr. Pickering - Carried)

14. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 18th May, 2012, Region Services Director, Mr. Andrew Buckley referring to Mr. Dyrick Hobbs' letter dated 25th September, 2011 concerning the Severe Tropical Cyclone Yasi, 2nd February, 2011 event and the Trust's request for additional assistance under Queensland Disaster Relief and Recovery Arrangements to undertake timely preventative debris clearing. Apologising for delay in responding and advising on the 16th February, 2012 the former Director-General conditionally approved the proposed preventative works under Section 10 (1) of the *River Improvement Trust Act 1940* subject to the following:-

- Compliance with all laws in relation to undertaking these works, as required in Section 10(1A) of the Act;
- Compliance with Section 4.9 of the Queensland Disaster Relief and Recovery Arrangements in all ways that is applicable to Trusts and Boards; and
- Compliance with the Recommendations for Removal of Woody Debris from Waterways after Cyclones (forwarding copy).

Also advising that the Trust's claim for financial assistance under the Queensland Disaster Relief and Recovery Arrangements for restoration of flood damage to the Trust assets is also approved subject to the following conditions:-

- *Total financial assistance provided will be reimbursement of actual expenses up to a maximum amount of \$935,150;*
- *Compliance with all other relevant legislation;*
- *Funds must be claimed by the date specified in the Queensland Disaster Relief and Recovery Arrangements (within two financial years of the event). The Trust is required to complete and have invoices paid for all work for which assistance is approved prior to 30th June, 2013.*

The Trust will be accountable for restoring all of the listed assets of the Trust to an equivalent pre-event standard within the approval total amount. (103/0025)

Resolved – That the advice be received and noted.
(Mr. Pickering and Cr. Carr - Carried)

15. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Cairns, 21st May, 2012, Regional Manager, Mr. Nigel Kelly thanking the Trust for its contribution to and for hosting the River Trust Meeting on Thursday 17th May, 2012 at Ingham and noting the following actions were recorded:-

- DERM to provide written approval HRIT works on Log and Palm Creeks (completed);
- DERM to look closely at HRIT's submission to determine if anything in the submission provides new information that suggests a NDRRA submission was lodged prior to the 30th October, 2011 deadline by HRIT;
- Officers from the Department will be available week commencing 28th May, 2012 to work with the HRIT and to provide advice and assistance on what could be considered essential public assets and eligibility for NDRRA funding for the 2012 declared event. (To assist, DNRM is seeking active participation / assistance of the QRA in doing this adjudication);
- HRIT to provide DNRM with what HRIT believes was its formal submission for NDRRA funded works submitted prior to 30th October, 2011; and
- HRIT to provide a strong justification for HRIT assets to be considered as essential public infrastructure.

Resolved – That the advice be received and noted.
(Cr. Carr and Mr. Pickering - Carried)

16. HINCHINBROOK SHIRE COUNCIL, 30th May, 2012, advising that at the Council's Statutory Meeting held on Thursday 17th May, 2012, Council appointed Councillors David Carr and Wallis (Wally) Skinner as Council representatives on the Herbert River Improvement Trust.

Resolved – That the advice be received and noted.
(Mr. Pickering and Cr. Carr - Carried)

17. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Brisbane, 22nd May, 2012, seeking details of new Councillors appointed to the Trust and details of the Deputy Chairperson.

Resolved – That the requested advice be forwarded to the Department and advice be sought from the State Council of River Trusts Association (SCRTA) Secretary, Mr. Norm Craswell regarding the nomination process for the position of Chair and Community Representatives.
(Cr. Carr and Mr. Pickering - Carried)

18. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Brisbane, 1st June, 2012, advising the Trust that it must submit its proposed Annual Works Program for 2012 / 2013 to the Department by the 22nd June, 2012 and forwarding "Guidelines for the Preparation, Submission and Approval of River Improvement Trust Annual Works Programs 2012/2013" together with Form D (Technical Assessment Application), Form C (Proposal Annual Works Program 2012/2013) and Form B (Financial Summary for Proposed Annual Works Program 2012/2013).

Resolved – That the State Council of River Trusts Association (SCRTA) be advised that until the current issue of NDRRA eligibility for Trust riverbank assets is clarified, the Trust is unable to submit a proposed Annual Works Program.

(Mr. Pickering and Cr. Carr - Carried)

19. HERBERT RIVER IMPROVEMENT TRUST ANNUAL WORKS PROGRAM 2012/2013.

Consideration of correspondence from Trust Secretary to State Council of River Trusts Association Trust Secretary dated 1st June, 2012, updating Mr. Norm Craswell on the issues the Trust is currently having with NRM Cairns Regional Office regarding the Trust's Timely Preventative Works submission, NDRRA River Trust Asset Damage application, and riverbank protection work.

Resolved – That the advice be received and noted.

(Cr. Carr and Mr. Pickering - Carried)

20. PROPOSED BANK WORKS GOITIANDIA PROPERTY - ANABRANCH

Consideration of proposed bank works at Anabranh on the Goitiandia property.

Trust Engineer's Comment - The Trust included this job in its amended Annual Works Program that it worked up at its 6th December, 2011 Special Meeting. A letter of offer was sent to the landowner last December, but to date no response has been received. Mr. Goitiandia has since approached the Department of Environment & Heritage, evidently with a view to progressing the job himself. I have spoke to Departmental Officers regards the matter and have deduced that their understanding is that Mr. Goitiandia is seeking to progress the job himself with a contribution from the Trust.

I have not contacted Mr. Goitiandia at this stage, but the recent discussion with Mr. Nigel Kelly of NRM has cast doubt as to future eligibility of these types of Assets for Disaster Repair Funding, and therefore the ability for the Trust to maintain these assets into the future.

Resolved – That the landholder be advised that the Trust is still waiting for a response from him regarding the Trust's offer to include the site in the Annual Works Program and also that the Trust is currently trying to have clarified the NDRRA eligibility of such restoration work pending proceeding with the Annual Works Program.

(Mr. Pickering and Cr. Carr - Carried)

21. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT – JASON WILLIAMS, 4th June, 2012, requesting a meeting with the Trust to discuss issues surrounding Cattle and Frances Creeks.

Resolved – That Mr. Williams be invited to attend the July Trust Meeting on the 5th July, 2012 and he be asked to advise the Trust of the results of the Public Meeting held in Ingham on the 7th June, 2012.

(Cr. Carr and Mr. Pickering - Carried)

Cr. W. Skinner and M. Nash attended the meeting at 12.55 p.m.

22. HERBERT RIVER IMPROVEMENT TRUST APPOINTMENT OF DEPUTY CHAIRPERSON.
Consideration of appointment of Deputy Chairperson.

Resolved – That the position of Deputy Chairperson be filled by Cr. David Carr.
(*Mr. Pickering and Cr. Skinner - Carried*)

- F. SESSION WITH MICHAEL NASH OF HERBERT RIVER CATCHMENT COORDINATING COMMITTEE.

Consideration of discussions held with the Catchment Coordinator and Acting Terrain NRM, Hinchinbrook Area Team Leader, Mr. Michael Nash

Resolved – That it be noted that Michael Nash advised of his attendance at the Cattle Creek Wetlands and Junction of Cattle Creek and Frances Creek Meeting at Brothers Leagues Club at 10.00am, supported by Cr. Skinner who attended on behalf of the Trust.
(*Mr. Pickering and Cr. Carr - Carried*)

- G. CONCLUSION – The meeting concluded at 1.00 p.m.

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