

# HERBERT RIVER IMPROVEMENT TRUST

## GENERAL MEETING MINUTES

THURSDAY 2<sup>ND</sup> JUNE, 2011  
AT 9.00 A.M.



- A. ATTENDANCE – Present were Mr. W.H. Pickering (Chairperson), Cr. G.P. Gianotti (Member), Cr. P.D. Lynch (Member), Mr. R.W. Clark (Trust Secretary), Mr. B.E. Leach (Trust Engineer) and Mr. S. Hall (Trust Special Projects Officer).

- B. APOLOGY – An apology was received from Mr. Michael Nash (Terrain NRM)

- C. MINUTES -

Confirmation of Minutes of the General Meeting held on 5<sup>th</sup> May, 2011.

Resolved – That the minutes of the General Meeting held on 5<sup>th</sup> May, 2011 be approved.  
(Crs. Gianotti and Lynch - Carried)

- D. WORKS REPORT –

Consideration of Trust Engineer's May, 2011 report of works performed to date and activities in progress.

Resolved – That the Report be received and noted.

That the Trust engage AECOM to assist in the preparation of the new riverbank damage works program.

That the Trust undertake a public information process to ensure landholders are aware of the process to report stream blockages to DEEDI via Operation Clean Up Queensland.  
(Crs Lynch and Gianotti - Carried)

- E. ACCOUNTS FOR PAYMENT -

1. The Secretary submitted accounts for payment as hereunder and statements of receipts and disbursements for the period up to 2<sup>nd</sup> June, 2011:-

<u>General Fund</u> -	Cheque .....	\$Nil
	EFT .....	<u>\$35,854.61</u>
		<u>\$35,854.61</u>

Resolved – That the financial statements as presented be received and adopted.  
(Cr. Lynch and Mr. Pickering - Carried)

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

*It was noted that Mr. Michael Nash was an apology for the meeting.*

G. CORRESPONDENCE –

1. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGER, Cairns, 7<sup>th</sup> April, 2011, in reference to the Trust's letter dated 11<sup>th</sup> March, 2011 regarding Severe Tropical Cyclone Yasi and to the Trust's request for urgent assistance under Natural Disaster Relief and Recovery Arrangements to commence preventative bank stabilisation at selected sites advising that the proposed urgent preventative works are conditionally approved under Section 10 (1) of the *River Improvement Trust Act 1940*, subject to the Trust:-

- Complying with all laws in relation to undertaking or maintaining these works, as required in section 10(1A) of the Act.
- Complying with section 4.9 of the Queensland Disaster Relief and Recovery Arrangements in all ways that are applicable to Trusts.
- Compliance with the standard conditions for River Trust Bank Stabilisation Works.

Also advising that the Trust's application for financial assistance under the Natural Disaster Relief and Recovery Arrangements for timely preventative works is approved subject to the following conditions:-

- Total financial assistance provided will be reimbursement of actual expenses up to a maximum amount of \$150,000 (exclusive of any GST which is not payable for such assistance). Substantiation, in the form of actual costs, will be required for all costs including on-costs associated with design, supervision, surveys and permits and contingencies in accordance with the subject arrangements.
- The funds must be claimed by the date specified in the Department of Community Safety's, Natural 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 funds are not to be applied in any way to the creation of new or higher extended levees other than those that pre-existed the event.

Further advising that this financial assistance assumed the combined Trust and Council trigger point will be applied in full by the Department of Local Government & Planning to Council's application for financial assistance for damage which occurred in the same event. The allocation of funds between individual assets is left to the Trust's discretion; however the Trust will be accountable for appropriate treatment of all listed sites within the approval total amount.

(103/0025)

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

2. L. & R.A. CERVELLIN, Ingham, 17<sup>th</sup> May, 2011, requesting the Trust to effect repairs to a creek crossing on Mosquito Creek on their farm at Suthers Road, Coolbie from flooding caused by Cyclone Yasi. Repairs need to be effected prior to the start of the 2011 crushing season to enable transportation of sugar cane. Also requesting removal of silted up sand at the junction of Mosquito and Insulator Creeks and pointing out that after raising Suthers Road in 2010, water is now being diverted under their farm house and through their farm shed and requesting the Trust to also inspect this situation. (103/0004)

Recommended – That consideration be deferred pending an inspection of the location.  
(Crs. *Gianotti and Lynch* - Carried)

3. R. & S. BASAGLIA, Ingham, 16<sup>th</sup> May, 2011, expressing concern on the situation of creek bank erosion at the rear of their property at 6 Meyer Street, Trebonne which they have been experiencing for many years and believe that the creek was privately owned. They have never contacted Council to raise the problem and have undertaken measures to prevent further erosion by placing rocks, rubble, sand and dirt in the problem areas. Their neighbours constructed a concrete wall behind their property at 4 Meyer Street to prevent their property eroding into the creek. Requesting the Trust to advise if they are intending to continue the rock work further along the creek bank from Peter Elortegui's residence at 12 Meyer Street to their property as last years continuous rain has caused more erosion and they now have a subsidence starting in the centre of their rear yard. (103/0003)

Recommended – That the location be inspected by the Trust at the 7<sup>th</sup> July, 2011 General Meeting.  
(Crs *Lynch and Gianotti* - Carried)

4. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Cloncurry, 5<sup>th</sup> May, 2011, seeking the Trust's view in relation to an application conversion of Special Lease 44430 over Lot 181 on CWL3203. The proposed use of the land is Primary Industries (Sugar Cane Growing). (101/0004)

Recommended – That the Trust advise the Department that it has no objection to the proposed conversion of Special Lease 44430 over Lot 181 on CWL3203.  
(Crs. *Gianotti and Lynch* - Carried)

5. DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT, Townsville, 9<sup>th</sup> May, 2011, seeking Trust's views and / or requirements in relation to an application to permanently close part of Taylor Road, Bemerside adjoining Lots 21 and 22 on CAR124188 for sugar cane purposes. (019/0007)

Recommended – That the Trust advise the Department that it objects to the proposed closure on the grounds that the road is required for and currently used for road purposes.

That the Trust notes that the whole road area is currently planted to cane and it is the Trust's view that the cane should be removed and the riparian zone be rehabilitated.  
(Crs. *Gianotti and Lynch* - Carried)

6. OFFICE OF THE DEPUTY PREMIER AND ATTORNEY GENERAL, MINISTER FOR LOCAL GOVERNMENT AND SPECIAL MINISTER OF STATE, Brisbane, 24<sup>th</sup> May, 2011, referring to correspondence from The Hon. Paul Lucas Deputy Premier dated 27<sup>th</sup> April, 2011 where he wrote approving the change of scope and an extension of time to enable the Trust to acquit funding for Stage 1 of Kingsbury Floodgates Project. On the 12<sup>th</sup> May, 2011 the Authority responded to the Deputy Premier informing him that they are unable to fund this project following his request to consider the project for potential funding, and the Authority added that the Trust could apply for funding under the Natural Disaster Resilience Program (NDRP). On the 5<sup>th</sup> May, 2011 the Queensland and Commonwealth Governments opened expressions of interest for funding under round three of the Program where local governments and non-government organisations are able to apply for funding towards eligible projects that enhance communities-resilience again natural disasters. Applications close on the 30<sup>th</sup> June, 2011. (103/0022)

Recommended – That the Kingsbury Creek Stage 2 Project be submitted for Natural Disaster Resilience Program (NDRP) funding on the basis that the Trust contribute a maximum contribution of \$250,000.

*(Crs. Gianotti and Lynch - Carried)*

7. BMT WBM PTY. LTD., Melbourne, 24<sup>th</sup> May, 2011, regarding the Herbert Levees Studies advising that at their meeting on the 23<sup>rd</sup> March, 2011 it was agreed to undertake modelling of a range of theoretical levee scenarios and the intent of the modelling was to assess the impact on flood levels of “illegal” future levee raising or new levees in the Lower Herbert. Presenting the results of the modelling assessment and also advising that it was agreed at the meeting to undertake modelling of removal of selected sand islands in the Lower Herbert. This analysis is yet to be completed and the results will be forwarded in due course. (104/0007)

Recommended – That the advice be received and noted and the project information will be assessed at the Special Meeting on Friday 3<sup>rd</sup> June, 2011.

*(Crs Lynch and Gianotti - Carried)*

8. QUEENSLAND RECONSTRUCTION AUTHORITY, Innisfail, 23<sup>rd</sup> May, 2011, advising during a Recovery Group meeting for the Cassowary Coast Regional Council it was identified that it would be beneficial to establish a regional perspective on issues impact on the natural environment in the Cyclone Yasi affected areas. Further advising that it is proposed that on Thursday 23<sup>rd</sup> June, 2011 the Authority will host a meeting of interested parties at its office at 5 Grace Street, Innisfail at 10.00am to provide an opportunity for stakeholders to identify common issues relating to the natural environment and examine if there are any issues that may require a coordinated regional focus to progress to a successful resolution. Extending an invitation to the Trust and RSVP is due by 13<sup>th</sup> June, 2011.

Recommended – That the Trust be represented at the meeting in Innisfail on Thursday 23<sup>rd</sup> June, 2011.

*(Mr. Pickering and Cr. Gianotti - Carried)*

9. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Cairns, 25<sup>th</sup> May, 2011, in reference to the Trust's letter dated 10<sup>th</sup> May, 2011 regarding Severe Tropical Cyclone Yasi and to the Trust's request for assistance under Qld Disaster Relief and Recovery Arrangements to complete timely preventative debris clearing advising that further to the Department's letter dated 7<sup>th</sup> April, 2011, the proposed timely preventative work is conditionally approved subject to the following conditions:-

- 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 are applicable to Trusts.
- Compliance with the Recommendations for Removal of Woody Debris from Waterways after Cyclones.

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

- Total financial assistance provided will be reimbursement of actual expenses up to a maximum amount of \$115,000 (exclusive of any GST which is not payable for such assistance and any allowable contingency). Substantiation, in the form of actual costs, will be required for all costs including on-costs associated with design, supervision, surveys and permits and contingencies in accordance with the subject arrangements.
- Compliance with all other relevant legislation such as:-

- Environmental Protection Act 1994, Sustainable Planning Act 2009 and Coastal Protection Management Act 1995 requiring dredging permits for some excavation in a waterway and approval of structures in tidal areas
  - Aboriginal Cultural Heritage Act 2003 where it is an offence to not exercise a duty of care in relation to the Aboriginal cultural heritage
  - Land Protection (Pest and Stock Route Management) Act 2002 – Transport of Class 1 weed material such as Siam weed and Class 2 weeds such as Hymenachne is either prohibited or restricted
  - Vegetation Management Act 1999 where it is an offence to clear certain types of vegetation without a development approval under the Sustainable Planning Act 2009;
  - Fisheries Act 1994 where it is an offence to destroy marine plants or construct a waterway barrier without a permit
  - State Procurement Policy 2010 as required by the Financial and Performance Management Standards 2009 issued under the Financial Accountability Act 2009.
- The 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, 2012.
  - The funds are not to be applied in any way to the creation of new or higher extended levees other than those that pre-existed the event.

Further advising that this financial assistance assumed the combined Trust and Council trigger point will be applied in full by the Department of Local Government & Planning to Council's application for financial assistance for damage which occurred in the same event. The allocation of funds between individual assets is left to the Trust's discretion; however the Trust will be accountable for restoring all of the listed assets to an equivalent pre-event standard within the approval total amount. (103/0025)

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

10. CASSANDRA BARNES, Cordelia, forwarding photographs of erosion on the Herbert River behind 62 Eddleston Drive, Cordelia beside the local cane bridge which was a direct result from the early floods. Advising she has lived at this location all her life and has never seen erosion like this before and it is vitally important that the bank is stabilised as soon as possible.

Recommended – That consideration be deferred pending an inspection of the location by the Trust.  
(Crs Lynch and Gianotti - Carried)

11. FOURTH ROUND OF REEF RESCUE FUNDING.  
Consideration of advertisement in Herbert River Express on 7<sup>th</sup> May, 2011 regarding fourth round of Reef Rescue funding (water quality incentive grants) which close on the 1<sup>st</sup> July, 2011.

Recommended – That the draft new Works Program be provided to Terrain as soon as it is available for their assessment of projects that landowners could apply for Reef Rescue funding.  
(Crs Lynch and Gianotti - Carried)

12. COLIN BIGWOOD – RIVER AVENUE, HALIFAX.  
Consideration of discussions between Mr. Colin Bigwood and Trust Engineer regarding the levee about his and his neighbours (Mr. Victor Amory's) residence) at River Avenue, Halifax.

Recommended – That the Trust have onsite discussions with Mr. Bigwood.  
(Crs Lynch and Gianotti - Carried)

H. GENERAL BUSINESS –

Resolved - That a Special Meeting of the Trust be held at 9.00 a.m. on Thursday 30<sup>th</sup> June, 2011 to consider a draft budget.

*(Crs. Gianotti and Lynch - Carried)*

I. INSPECTIONS – Inspections were conducted at the following properties:-

2.00 p.m. Ivan Fabiani – Cattle / Francis Creek

Members present (Mr. W. Pickering, Cr. G. Gianotti, Cr. P. Lynch, Trust Secretary, R. Clark, and Trust Works Manager, S. Hall) met with Messrs. Ivan Fabiani, Avelino Fontana, Patrick Brown, Errol Cantamessa, Frank Russo, and Matthew Pappin.

Trust members heard of their concerns from a residential and farming perspective on the numerous times that Frances Creek broke its banks and flooded farming and residential areas to an extent not seen before.

They maintain that it appears to break out in two (2) areas after hitting the Main Roads levee bank and floods down Pombel Road across the bitumen road. They believe for the first time the road has been covered from the Frances Creek Bridge back to Haughty's Road.

Trust Member, Cr. Geoffrey Gianotti advised that it appeared they should convey their concerns via the DEEDI Operation Queensland Clean Up Hotline and their concerns will be passed on to the Trust to look at the matter of dead vegetation in stream beds which may be causing blockages.

The Trust did advise that it could not do anything about removal of sand in the systems.

The matter of the Main Roads levee and its affect on the road and adjacent landholders should be referred to the Main Roads Department.

2.30 p.m. Lino Cervellin – Suthers Road, Coolbie – Mosquito Creek

Issue 1 - Creek crossing which was a pipe crossing and Mr. Ian Baker instructed landholder to remove pipe and place rock in bottom of crossing, which he did. Floods have since washed out some of the rock and Mr. Cervellin is seeking Trust's permission to restore to working condition by addition of small rocks.

Mr. Cervellin was advised that whilst Trust sees no adverse affect, it cannot issue permits and suggested that he contacts Mr. Errol Colman of DERM for approval.

Issue 2 - Large accumulation of sand has built up at site of Trust work done last year and the Trust needs to check whether this site is recorded as an asset. If so, then this asset is NDRRA work and the Trust needs to confirm the situation to Mr. Cervellin.

3.00 p.m. Colin Bigwood – 17 River Avenue, Halifax

The Trust informed Mr. Bigwood and he accepts that the dividing wall with his neighbour is not a matter for the Trust. The levee was overtopped and erosion has occurred and the Trust advised that he is not to attempt to repair as the Trust will attend to this.

The trees between his boundary and the levee which are at risk of falling on the levee will also be the Trust's responsibility to remove.

The engine driven pump provided requires maintenance and the Trust will arrange.

Mr. Bigwood's existing neighbour is moving out and when this happens it is anticipated that the new owner will not be a permanent occupant at the property. The present pumping arrangements will need to be revised by the Trust Engineer.

3.30 p.m. Paul Mizzi – Mizzi Bridge, Victoria Creek – fishing bank collapsed

This inspection was deferred until the next Trust Meeting on the 7<sup>th</sup> July, 2011.

4.00 p.m. Graham Weston – 41 Mona Road, Halifax

Mr. Weston was not present when the Trust inspected the levee and it was difficult to see much of levee on the river side. There was clear evidence however of overtopping and some erosion. The Trust will need to repair this under NDRRA work.

4.30 p.m. Ramon Goitiandia – riverbank at the Anabranh farm No. 5085

The Trust inspected severe bank damage and noted vines killing the vegetation. This is new work and requires the bank to be battered back with consequent removal of adjacent cane.

This new work is a large job (50m x 10m) and will need revegetation and attachment of a Section 11 Notice.

This site is required to be added to the list of new work locations.

5.00 p.m. Cassandra Barnes – Herbert River, 62 Eddleston Drive, Cordelia

The Trust inspected the reported river bank damage at Cordelia. It appears the adjacent area has recently had some clearing and possible soil removal from what appears to be Crown Land.

Property boundaries need to be established.

J. CONCLUSION – The meeting concluded at 5.15 p.m.

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