

<b>ORDINARY MEETING</b>  <b>16 JUNE 2015</b>	<b>5.3</b>
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RIVER IMPROVEMENT TRUST

**Michael Kriedemann: Manager Infrastructure #457243**

**Paul Hoye: General Manager Operations**

**RECOMMENDATION:**

**Council resolve that:-**

- 1. Council's Manager of Infrastructure enter into discussions with Cairns Regional Council and the Cairns River Improvement Trust (RIT) to determine a mutually agreed position on the future of the current Cairns RIT; and**
- 2. The Manager of Infrastructure bring a report back after March 2016 for the new Council to make a decision on a future River Improvement Trust in the Douglas Shire; and**
- 3. Council note that 2014/15 Operational Plan initiative I4 will not be met in full for the reasons expressed in the report.**

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**EXECUTIVE SUMMARY:**

River Improvement Trusts (RIT) are established to protect and improve rivers. They are responsible for:

- Repairing and preventing damage to rivers; and
- Preventing or mitigating riverine flooding of land.

The previous Douglas RIT was established in 1982, before merging with the Cairns RIT in 2008. There is a long history of successful restoration works following flooding and severe cyclone and monsoonal rainfall events. During this time, the Trust has developed a proven reputation for getting the job done for the benefit of all stakeholders. Terrain, Cairns RIT & Douglas Shire Council have had strong partnerships in the past, providing access to funding through programs such as Reef Rescue. This funding has been used in priority areas throughout the Douglas Shire where the landholder has been unable or not willing to contribute.

Over 100 examples of previously completed RIT projects are evident throughout the Douglas Shire Council area. These works have provided successful outcomes and benefits for the local farmers, the environment and the community as a whole.

Douglas Shire Council is currently constituted under the Cairns RIT and its Strategic Plan states that's its vision is "*The protection of people and property from flooding, flood damage and erosion of river banks associated with flooding by the Mossman, Daintree, Barron, Mulgrave and Russell Rivers in the Cairns Local Government Area*". The figure below shows the river improvement trust areas across Queensland.

Figure 1: River improvement trust areas

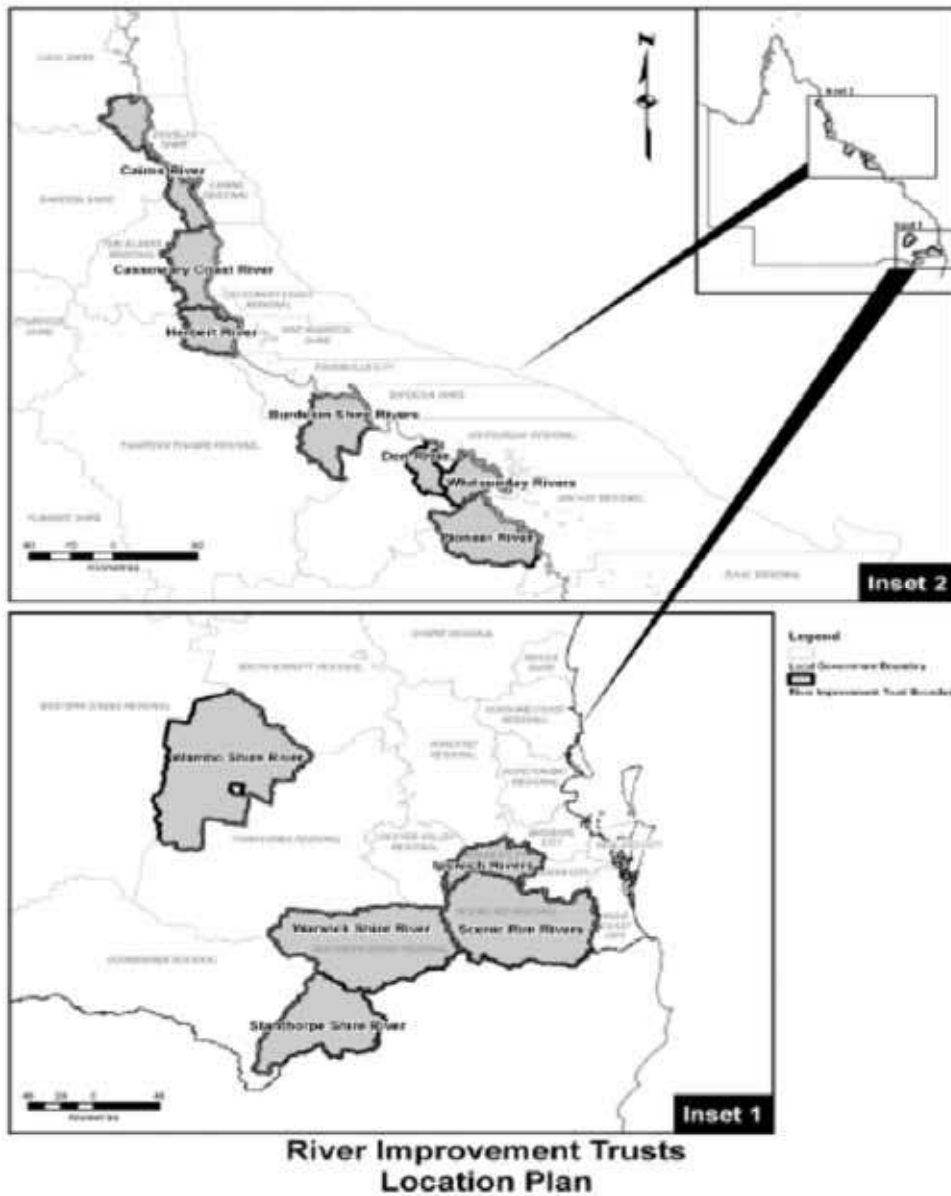


Figure 1: Source: Queensland River Improvement Trusts Summary of Annual Reports and Financial Statements 2013-2014.

With the deamalgamation of Cairns and Douglas Councils, the issue of whether Douglas should constitute its own RIT needs to be explored. The *River Improvement Trust Act 1940* contains the provision for the constitution of a river improvement area comprising of two or more local government areas, however, discussions with Cairns RIT needs to take place to determine if:

- Both councils continue under the current arrangement;
- The Cairns RIT is reconstituted to include Douglas Shire Councillor representation (two), financial support and programmed works in the Douglas area; or
- Douglas is removed from the Cairns RIT to allow Douglas to explore options for developing its own RIT.

**BACKGROUND:**

River Improvement Trusts (RIT) are established under the provisions of the *River Improvement Act 1940*. Each trust is responsible for the planning, design, construction and financing of stream improvement works for the benefit of the community within its river improvement area. At present there are 11 river improvements trusts in Queensland, including:

- Burdekin Shire RIT;
- Cairns RIT;
- Cassowary Coast RIT;
- Don RIT;
- Herbert RIT;
- Ipswich RIT;
- Scenic Rim RIT;
- Stanthorpe RIT;
- Wambo Shire RIT;
- Warwick Shire RIT; and
- Whitsunday RIT.

These trusts are statutory bodies constituted under the *River Improvement Trust Act 1940*. The Act provides a trust with the powers to undertake its functions, including the ability to raise funds, enter land, occupy land, enter contracts and carry out works. For a river improvement trust and its associated area to be constituted by regulation, a local government may make an application to the Minister for Natural Resources and Mines.

As a statutory body, river improvement trusts are obliged to provide an annual report and audited financial statements. A trust is required to prepare an annual program of works and submit it to the department for approval by the chief executive (Director-General). Planning for works may include:

- assessing the amount of funding required to carry out the works;
- investigation and design work; and
- Identifying required approvals.

A trust must provide the department with detailed plans of all projects for technical assessment and obtain all relevant permits or approvals before undertaking any of the works.

Douglas Shire is currently included in the Cairn RIT. If Douglas and Cairns Councils agree to separate from the current RIT, both councils must be able to demonstrate why the current Cairns RIT is not sufficiently able to carry on, as it has previously serviced the new (re-constituted) Douglas Shire Council area.

Secondly, before the Minister can make a decision about whether to grant a new Douglas RIT, they must be aware of the Cairns Regional Council views on reducing the present Cairns RIT river improvement area.

It is within the provisions of the Act to allow a RIT over 2 local government areas. Membership of a trust, over two (2) local government areas, needs to consist of two councillors from each constituent local government and up to three persons appointed by the Minister. Additionally, if the Minister considers it appropriate, each constituent local

government for a trust may appoint a third councillor as a member of the trust. The trust elects its chairperson from those members whose appointment was made by the Minister.

All members, other than local government appointees, hold office for the term, of no more than four years, decided by the Minister; while councillors are appointed for the term, of no more than four years, decided by the local government. Each trust is required by the RIT Act to appoint one of its members, other than the chairperson, to be deputy chairperson. The trust members manage the operations of the trust.

Under the Act, each trust must have a secretary and may employ other officers if it is deemed necessary. In most cases, the secretary is the chief executive officer or an employee of the relevant local government. Generally, the only other operational support is an engineer who, in most cases, is also the regional or shire engineer of the relevant local government.

### **PROPOSAL:**

Enter into discussions with Cairns Regional Council and the Cairns River Improvement Trust (RIT) to determine a mutually agreed position on the future of the current Cairns RIT. Discussions are required to determine if:

- Both councils continue under the current arrangement;
- The Cairns RIT is reconstituted to include the representation of two (2) Douglas Shire Councillors, financial support and programmed works in the Douglas area; or
- Douglas is removed from the Cairns RIT to allow Douglas to explore options for developing its own RIT.

It is then proposed to bring a report back to the new Council, formed as a result of the March 2016 Local government elections, for a decision on the future of the RIT in Douglas Shire and allow for any necessary budget allocations to be made for the 2016/17 year.

Council is advised that the original 2014/15 Operational Plan initiative I4 - Implementation of DNRM River Improvement Trust to address damage to rivers and the flooding of land will not be met in full. The process around the legislative requirements, representation and budget means that a report will need to be brought back to the new Council for a decision for the 2016/17 financial year and the allocation of budget in accordance with that decision. The Douglas Shire area is currently incorporated into the Cairns regional Council RIT.

### **CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:**

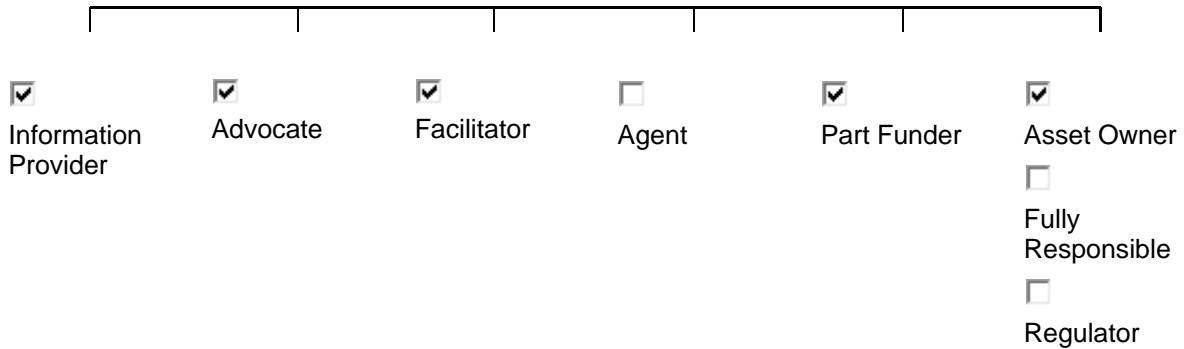
Theme 3: Goal 1 Council's Corporate Plan 2014-2019 states that Council will "Enhance and preserve cultural heritage, natural and built environments through sound planning and community involvement".

The 2014 – 2015 Douglas Shire Council Operational Plan item I4 requires the Infrastructure Group to: "Implementation of DNRM River Improvement Trust to address damage to rivers and the flooding of land". As explained above the Operational Plan initiative will not be met in full but requires further discussions with Cairns Regional Council and the Cairns RIT.

**COUNCIL'S ROLE:**

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:



**Information Provider:** Providing access to information to assist communities and organisations.

**Advocate:** Supporting communities and groups by advocating for certain actions from other organisations (usually other levels of government).

**Facilitator:** Bringing people together to develop solutions to problems.

**Part Funder:** Sharing the cost of a program or activity with other organisations.

**FINANCIAL/RESOURCE IMPLICATIONS:**

Under the Act, local government is required to contribute an annual precept (contribution) to the RIT. Generally these funds are utilised by the RIT to cover items such as; the auditing fees, field trips and consulting fees for the engineering designs & advice.

As an example, the following precept was distributed by local government to the relevant RIT in the 2013 – 2014 financial year:

- Cairns Regional Council \$200,000;
- Cassowary Coast Regional Council \$100,000; and
- Burdekin Shire Council \$230,000).

It is reasonable to expect that if Douglas Shire was to constitute its own RIT or continue with the Cairns RIT, it may be required to contribute in the order of \$100,000 per annum in precept.

Chairpersons and members of a trust, who meet the eligibility requirements for remuneration, are entitled to be paid the fees and allowances approved under the River Improvement Trust Regulation 1998. Additionally, RITs are responsible for maintaining appropriate levels of Public Liability Insurance and Professional Indemnity Insurance. It is anticipated that the administration costs to manage a stand alone Douglas RIT is up to \$50,000 per annum.

**RISK MANAGEMENT IMPLICATIONS:**

Financial: without local representation in the form of a reconstituted Cairns RIT or new Douglas RIT, our local area may miss out on funding opportunities such as state government subsidies and Australian Government grants such as Caring for our Country Program (CFOC) administered through Terrain.

Provision of Professional Engineering and Environmental Services can be procured on a project by project basis using Council's pre-qualified supplier registers.

Environmental & Riparian Management: Past studies have highlighted the poor condition of many of our riparian areas of streams and rivers throughout our shire. Previous works undertaken on Whyanbeel, Stewart Creek and more recently at Cassowary Creek have demonstrated the important role that RITs provide in stabilising riverbanks and developing a buffer strip of vegetation to improve water quality.

**SUSTAINABILITY IMPLICATIONS:****ECONOMIC:**

- Preventing the erosion of river banks and agricultural lands;
- Preventing flood damage and property damage or loss, in both urban and rural areas.

**ENVIRONMENTAL:**

- Reducing siltation and movement of silt and nutrients to the inner Great Barrier Reef;
- Re-vegetation and maintaining of riparian areas to prevent flood damage and providing important habitats and assisting biodiversity.

**SOCIAL:**

- maintaining stream improvement works for the benefit of the community, including recreational areas, within Council's river improvement trust area.

**INTERNAL/EXTERNAL CONSULTATION:**

In compiling this report, consultation and discussions was undertaken with the following stakeholders:

- Manager Water Governance & Projects Department of Natural Resources & Mines – who advised Council on the process required to initiate the constitution of a RIT;
- Relevant council staff and Peter Bradley (Terrain - Reef Water Quality Program Systems Repair), who advised that Terrain would like to be considered as a future member if a new RIT is formed to bring NRM advice into discussions around prioritisation. Terrain also advised that there has been a lot of interest from local landholders regarding the formation of a Douglas RIT in particular from the sugar cane sector.

**ATTACHMENTS:**

Nil