MEMORANDUM OF UNDERSTANDING April 2018

Between Hutt City Council (HCC), Greater Wellington Regional Council, Flood Protection (GWRC) and Friends of Waiwhetu Stream (FWS)

PURPOSE

This Memorandum of Understanding (MOU) recognises the partnership between HCC, Parks and Gardens, GWRC, Flood Protection and FWS for the purpose of realising the FWS vision as outlined in FWS Terms of Reference. This is not a legal contract, but intends to enhance the partnership by clarifying the commitments, roles and responsibilities of each party.

INTRODUCTION

FWS is a community volunteer group formed in May 2011 at the behest of, and by representatives from GWRC, HCC, Capacity (now Wellington Water), and councillors from GWRC and HCC.

The Waiwhetu Stream corridor is classified as ‘Reserve’ by HCC. Maintenance of HCC reserves is ultimately the responsibility of HCC. The stream bed to bankfull is the responsibility of GWRC.

FWS OBJECTIVES FROM THEIR TERMS OF REFERENCE:

FWS will monitor the achievements and participate in the development and implementation of:

* The Waiwhetu Stream Floodplain Management Plan including the resource consents for construction, operations and maintenance, walkovers, the ecological strategy.
* The Waiwhetu Stream Environmental Strategy, incorporating the Hutt City Council Waiwhetu Stream Enhancement Strategy (2002).

Additional objectives include:

* To identify opportunities for rehabilitation of the stream environment.
* To work closely with all interested parties to rehabilitate and repair the stream as a food source and provider of spiritual sustenance for all to share. To Tangata Whenua this is the restoration of the “Mauri” of the stream.
* To provide advocacy for educational opportunities so that people may respect and protect the stream and its environment, and enjoy its natural values and amenities.
* To encourage the recognition and protection of the ecological, cultural, historical and geological sites within the stream corridor.
* To encourage and facilitate the involvement of the wider community and adjacent landowners to participate in the achievement of the Vision.

1. HCC AGREES TO:

* 1. Recognise FWS as a key community stakeholder and partner with HCC.
  2. Designate a Volunteer Coordinator to be the primary contact and liaise closely with FWS.
  3. Prior to July each year, work with FWS to develop an annual plan on how to spend the annual budget for the stream once it has been approved.
  4. Provide approval for seed collection if FWS members wish to collect seed from HCC land with the purpose of growing plants for the local reserves.
  5. Review planting projects that have been proposed by FWS which have been submitted in writing prior to the planting. Additional information such as aerial photographs, information on the plant types and numbers and a site visit may be required. The proposed plan should be made to HCC at least one month prior to the planting date.
  6. Advise GWRC and/or Wellington Water or any other necessary parties and will obtain comments from them and work with FWS to come to a mutually agreed upon project including alterations due to floodplain management, maintenance requirements, current or future land usage, availability of plants or other considerations. Site will be chosen that are sections that contain a large number of plants in a compact area.
  7. Provide support for any agreed upon FWS plantings including promotional material and media support, site preparation, eco sourced plants, tools , refreshments and other items as requested and as agreed in the annual budget plan.
  8. Take all steps reasonable to supply FWS with the agreed list of revegetation plants for the following planting season and/or make substitutions as necessary and agreed upon.
  9. Provide/ facilitate training and educational material to promote planting, pet control, community based monitoring and other environmental initiatives.
  10. Carry out any tasks which require the use of machinery or agrichemicals which are necessary to achieve the agreed objectives and are within the annual budget plan.
  11. Consult FWS on any significant proposed work along the stream corridor.
  12. Provide a meeting room for the monthly and Annual General Meetings and regularly attend FWS committee meetings.

1. GWRC AGREE TO:
   1. Designate a primary GWRC contact for liaising with FWS. This will normally be the Environmental Planner, Flood Protection.
   2. Support FWS through the provision of requested technical and strategic advice with relation to biodiversity, environmental science, environmental regulation and flood protection.
   3. Regularly attend FWS committee meetings.
   4. Consult FWS on any significant proposed flood protection works or floodplain management plan developments in relation to flooding, the stream corridor and floodplain.
   5. Endeavour to support public engagement events organised by FWS.
   6. Organise an annual walkover with FWS
2. FWS AGREE TO:

3.1 Observe the stream and communicate with GWRC and HCC for management and mitigation needs as required.

3.2 Carry out tasks that achieve their Goals and Objectives and that are within their capability. These may include planting, weeding, rubbish collection, mulching and pest control.

3.3 Manage revegetation plantings post planting as described in Appendix A. If weed control becomes unmanageable because of the increasing extent of the plantings, FWS and HCC can engage contractors for tasks agreed to.

3.4 Supply revegetation plants grown from eco-sourced seeds.

3.5 At the end of the current winter planting season, provide HCC with a list of plants for the following year.

3.6 Supply HCC with an annual estimate of volunteer hours.

3.7 Conduct regular committee meetings.

3.8 Provide their contact details so that the general public can get in touch.

3.9 Be a community voice to advise/advocate to GWRC, HCC on stream management issues.

1. HEALTH AND SAFETY
   1. It is important that the volunteers acting on behalf of FWS are kept safe whilst carrying out their work. HCC and GWRC are keen to assist the volunteers to put measures in place to ensure the volunteers can work in a safe environment and manner.
   2. GWRC will take all reasonably practicable steps to ensure the safety of all volunteers working with and on behalf of FWS by ensuring that known hazards are communicated to FWS (through a health and safety plan) and are fully understood, so far as is reasonably practicable.
   3. HCC will assist FWS to prepare three Job Safety Analyses (JSAs), to cover all of the work undertaken by FWS volunteers. This will include general work along the stream edge, work within the stream bed and monthly clean up sessions. These will be agreed and signed by all parties and reviewed as necessary.
   4. HCC will:
      * Support FWS to prepare three JSAs to cover all the work undertaken by their volunteers
      * Offer advice and assistance to FWS on all Health and Safety issues
      * Provide representatives with a first aid kit
      * Provide a site presence at working bees where requested
      * Organise and fund First Aid training for any volunteers who request it. HCC recommends that anyone operating in a leadership role undertakes First Aid training.
      * Prepare a ‘working bee checklist’ to be used for all working bees involving external partners, such as corporate or school groups.
      * Complete a ‘working bee Checklist’ where it has been agreed with FWS.
   5. GWRC will:
      * Offer advice and assistance to FWS on all Health and Safety issues and JSR preparations.

Prepare and update the FWS health and safety plan for volunteer work on GWRC land or in waterbodies that GWRC manage.

* 1. FWS agree to:
     + Produce a JSA with support from HCC and GWRC
     + Abide by the measures set out in the JSA documents
     + Provide a nominee from FWS to be present on site at all working bees. This representative will be responsible for health and safety at the session.
     + Report any health and safety issues to HCC Volunteer Coordinator or Reserves Asset Manager at HCC and the Environmental Planner, Flood Protection at GWRC.
     + Maintain a list of ‘members’, who are those people known to FWS, carrying out work with the knowledge and consent of the FWS committee and are representing FWS in carrying out the work.
     + Ensure that ‘members’ have knowledge and understanding of the measures set out in the JSA and have agreed to act within its terms.
     + Complete a ‘working bee checklist for all working bees involving external partners, unless it is agreed that the Volunteer Coordinator will complete the checklist.
  2. All volunteers will ensure that they :
     + Have seen and understand the measures set out in the JSA and agree to act within its terms.
     + Perform the task safely without endangering themselves or others
     + Wear suitable footwear and clothing
     + Report any concerns or issues to the FWS committee or HCC representative
     + Make themselves and others aware of hazards.
     + Leave the site if they feel they cannot perform the task safely.
     + Comply with any instructions given by HCC representative or FWS nominee
  3. No volunteers will be allowed to work if they are under the influence of drugs or alcohol.
  4. Accidents and Emergencies
     + 1. All accidents or near misses of a serious nature must be reported to the Volunteer Coordinator of Reserves Asset Manager as soon as practicable.
       2. Any accidents involving serious harm must be reported to the Reserves Asset Manager immediately.
       3. Where a person has been seriously harmed, no person shall alter the accident scene without the permission of the Department of Labour, except to:
* Save life or prevent harm to any person.
* Maintain access for emergency services.
* Prevent serious damage or loss of property
  + - 1. Any accidents involving serious harm will need to be investigated by HCC and/or GWRC with the cooperation of volunteers.
      2. In order to obtain emergency help in the event of an accident, a charged mobile phone must be available on site at all times and its location known to all volunteers.

1. TERM OF MOU

This Memorandum of Understanding will continue until either HCC, GWRC or FWS wishes to make any amendments – at such time, the partners will work together to prepare a revised document.