

Our Ref: W000-120

Name

Business

Address1

Address2

City POST CODE

To the Land Owner

### **Health and Safety at Work Act 2015 - HBRC Maintenance Work on Your Property**

This letter is a follow up to the letter sent to you in September 2016 with regard to the requirements of the Health and Safety at Work Act 2015. We are sending you this letter because a drain or stream maintained by Hawke's Bay Regional Council either runs through, or is adjacent to your property. The Hawke's Bay Regional Council Works Group carries out a variety of work that requires our staff to access various private land for the ongoing maintenance of the drainage system.

The Health and Safety at Work Act 2015 states that as a PCBU the HBRC Works Group has a duty of care to you, as the land owner, to cooperate and communicate about our work activity.

The Hawke's Bay Regional Council Works Group is a stand-alone business unit that provides service delivery functions for HBRC. The Works Group has a strong commitment to quality and health and safety. The Group operates under a quality system and has gained TQS1 accreditation, which is audited internally twice every year and externally every 3 years by an independent auditor. The Group is also ACC Workplace Safety Management Practices (WSMP) Tertiary accredited. We are also Sitewise Green accredited, and all staff are licensed, trained and certified competent for the plant they operate and for the duties they perform. Chemical applicators are all Growsafe and approved handler trained and certified, and all staff hold a current first aid certificate. All workers complete a daily site safety plan and undertake continual hazard identification of the work site.

The Works Group operates under the Council's mandate to exercise its powers, functions, and duties under the Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974, in relation to flood control and drainage.

We are contracted to perform regular maintenance works to ensure the drainage system works effectively at all times. These regular maintenance activities include mowing of the drain banks three times annually, and spraying the drain invert up to three times annually, depending on weed growth. These particular work activities are continuous mobile operations where the machines can move through a large number of different properties in any given day. Our work plans also can change on a day-by-day basis due to factors such as adverse weather conditions, ground conditions (flooding, plant growth), or staff availability. For these reasons it is therefore logistically impractical for us to coordinate and communicate with every landowner, leaseholder, or other interested parties prior to accessing their property.

To efficiently manage our contact with you as the landowner, HBRC Works Group therefore propose that you undertake the following procedures to manage Health and Safety requirements:

1. Access the Works Group annual maintenance schedules for mowing and spraying from the HBRC website: [www.hbrc.govt.nz](http://www.hbrc.govt.nz), Search: #maintenanceplan.
2. If you lease or tenant the whole or a portion of the property to someone else, please advise the tenant / lessee that the HBRC Works Group has a right of access to your property to conduct drainage maintenance works. This should be included as a clause in a lease agreement with a lessee/tenant.
3. As a PCBU (Person Conducting a Business or Undertaking) you must remind all your workers that HBRC Works Group conducts regular and ongoing work on your property.
4. You should add the HBRC Works Group activities to your property's own Hazard/Risk Register.
5. Because our tractor mower operators are instructed to stop mowing if anyone moves within 30 metres of a working mower, your staff need to be aware that they should include this in their work planning, ie plan to move away for the brief period our tractor is on site.
6. You should ensure the scheduled maintenance dates are included in your property diary so workers can be advised when HBRC Works Group operations are likely to be on site. Remind staff that this programme is our best effort in giving an indication of work, but will vary depending on weather, ground conditions and unforeseen circumstances.
7. If you sell your property, please instruct your lawyer to pass this information on to the new owner. HBRC rating records will pick up the new ownership for the following year.

For work activities other than the regular maintenance activities covered above, such as drain excavation work, drain slump repairs, culvert / headwall construction and general inspections, we will endeavour to contact you prior to accessing the property. This is an opportunity for you to exchange information in regards to current work activities taking place on the property, any known hazards and the appropriate controls required.

For information in regards to the Council's river and drainage schemes along with associated maintenance requirements, please contact Martina Groves (details below). For information in regards to the Works Group maintenance programme, please contact Hamish Fraser. All other key contacts are listed on the enclosed flier to keep for your reference.

Please ensure this information is passed on to others that are on and or using your land, such as tenants, workers, leasers/lessees, and family.

Many thanks for your assistance in this matter.

Yours sincerely



**Hamish Fraser**  
**Works Group Manager**  
**(06) 845 9233**  
**0276 663 328**  
Email: [hamish@hbrc.govt.nz](mailto:hamish@hbrc.govt.nz)

**Martina Groves**  
**Team Leader Schemes**  
**(06) 845 9239**  
**0274 343 439**  
Email: [martina.groves@hbrc.govt.nz](mailto:martina.groves@hbrc.govt.nz)