

# MEMORANDUM OF UNDERSTANDING

between

**LISMORE CITY COUNCIL**

and

**FRIENDS OF LISMORE RAINFOREST BOTANIC GARDENS**

2025 – 2029



## MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding (MOU) between:

### **Lismore City Council**

ABN: 60 080 932 837

43 Oliver Ave, Goonellabah, NSW, 2480

(Referred to in this document as 'Council')

and

### **The Friends OF Lismore Rainforest Botanic Gardens Incorporated**

ABN: 18903132928

313 Wyrallah Rd, Monaltrie, NSW, 2480

(Referred to in this document as 'FLRBG')

This is an MOU between Council and the FLRBG, referred to herein collectively as 'the Parties'. This MOU does not constitute a relationship of partnership (at law) between the Parties.

## DURATION

This MOU has a term of five (5) years and will apply from 1<sup>st</sup> January 2025 until 31<sup>st</sup> December 2029.

## RECITALS

- The Botanic Gardens Conservation International (BCGI) defines a botanic garden as:  
*"Institutions holding documented collections of living plants for the purpose of scientific research, conservation, display and education".*
- The Parties acknowledge the Widjibul-Wiabul people of the Bundjalung Nation, traditional custodians of the land on which the Lismore Recycling & Recovery Centre and Lismore Rainforest Botanic Gardens stand.
- The Parties acknowledge that Council is the owner of this parcel of land and is ultimately responsible for the care, control & management of that land. While the maintenance and future planning of the Botanic Gardens is a shared responsibility of the Partners, Council are the final decision makers.
- Council's *Community Strategic Plan 2022-2032* defines community priorities and aspirations that the Botanic Gardens helps to achieve:

*C2.3 Provide community education on resource recovery, waste management and recycling.*

- Council's *Delivery Program 2023 – 2027 and Operational Plan 2024 - 2025* details the projects and services to realise Council's long-term goals, including:

*C2.3.03 Provide support to the Lismore Rainforest Botanic Gardens to continue building the gardens as a community asset for education and visitation.*

- The Parties believe that partnerships between organisations who share common objectives have the potential to positively influence the nature of each other's programs and improve outcomes for each organisation.
- The Parties are committed to working under the Lismore Rainforest Botanic Gardens Management Plan 2025-2029 and towards the agreed vision of the Botanic Gardens.

## **VISION**

*The Lismore Rainforest Botanic Gardens is internationally-recognised for informing the community about the value of locally native Australian Sub-tropical Rainforest plants which naturally grow within a 200km radius of the City, their conservation, historical and cultural significance and their importance for a sustainable future.*

## **ROLES AND RESPONSIBILITIES**

Lismore City Council shall:

- Pay an annual contribution to the FLRBG of \$17,200 (in 2024/25) towards the maintenance and development of the Botanic Gardens, to be indexed by the Consumer Price Index (CPI) at the least or by an amount agreed upon by Council following budget deliberations each year.
- Provide a Botanic Gardens Officer for at least five (5) days per fortnight to provide on-ground maintenance of the Botanic Gardens as well as guidance and support to the FLRBG volunteer working bees.
- Lead the development of the Management Plan in collaboration with FLRBG.
- Provide general maintenance of Council-built assets according to Council's Risk Register and Asset Register for Water & Waste. These assets include but are not limited to the:
  - Environmental Education Centre (EEC)
  - Covered outdoor learning area just outside the EEC
  - Main sealed roads, bitumen pathways, engineered bridges & railings, including:
    - The wooden and metal bridge in Rainforest Walk Room 1
    - The red bridge in Wilsons Park Species Garden
    - Both wooden bridges in the Useful Plants Garden

- Other fixed built infrastructure (buildings, structures, decks and boundary fences, plumbing fixtures), which have been supported in construction by LCC, including:
  - Visitor's Centre & toilets
  - Eucalypt Forest sheltered picnic area
  - Eucalypt Forest BBQ & shelter
  - Sensory Garden shelter
  - Sensory Garden frog pond deck
  - Bubblers & taps
- Informational & wayfinding monument signs
- Attend to all reported Work, Health & Safety matters and ensure that safety procedures are followed, including in response to emergency situations on site.
- Maintain adequate insurance for Council owned assets and visitors to the gardens.
- Provide additional operational budget to support the activities and functioning of the Botanic Gardens, including payment of utilities (electricity, water, internet), disposal of weeds and waste and marketing and promotional communications for Botanic Gardens events through Council's media channels.
- Ensure that any projects on Council land comply with the *Conflict of Interest Policy – Council Related Development Applications* (if applicable).
- For projects where Council will be the asset owner, ensure Council's grant application process is followed.
- Consider additional funding requests submitted by the FLRBG, and in its discretion and in accordance with Council policy, grant approval in line within available budget.
- Coordinate & convene Liaison Meetings.
- Make available where possible the Environmental Education Centre for FLRBG Committee meetings and other activities.

The Friends of Lismore Rainforest Botanic Gardens shall:

- Be responsible for the selection of plant species for the garden collection, as well as for clear labelling, cataloguing and uses.
- Provide education through guided walks and tours, interpretive signs, newsletter publications and events such as the annual Open Day.
- Provide voluntary hours to assist with garden planting and maintenance, general grounds maintenance, propagation at the nursery, plant database, plant collection management and the exchange of botanic material and information with recognised institutions.
- Ensure that Council's work, health & safety procedures are followed, including reporting of observations and incidents and provision of personal protective equipment (PPE) for volunteers.
- Maintain adequate insurance for Volunteers working in the gardens.
- Conduct risk assessments when undertaking works or events within the Botanic Gardens for Council to review and approve. If FLRBG is hosting schools or other entities

that have their own risk assessments, that these be provided to Council for review providing 72 hours if wherever possible.

- Ensure that structures built by the FLRBG are maintained to a safe standard and that ongoing maintenance of these built assets be funded by the FLRBG (including replacement where needed). These structures include but are not limited to the:
  - Nursery
  - Worker's shed
  - Garden / tool shed
  - Cool Cubby
  - Seats, benches & picnic tables
  - Interpretive and plant signage
  - Unsealed paths & bridges, including:
    - Rainforest Walk Room 6 Garth Kindred Bridge
    - Rainforest Walk Room 5 Discovery Trail recycled plastic bridge
  - Other minor structures, including:
    - Arbours
- Seek sponsorship and funding to assist the development of the Botanic Gardens (in accordance with the Management Plan 2025-2029) and coordinate any funding applications with Council
- Register and keep records of all volunteers in accordance with Council's volunteer registration and training procedures.
- Provide annual financial statements and expenditure reports to Council.

## MEETINGS

- Representatives of the Parties will meet on a regular basis (between monthly and quarterly as mutually agreed) for Liaison Meetings to discuss issues related to the Botanic Gardens and Lismore Recycling & Recovery Centre, FLRBG Committee Meetings and to plan projects and events.
- The key liaison roles for Lismore City Council are:
  - Manager of Waste Operations
  - Waste Operations Coordinator
  - Waste Education Officer
  - Botanic Gardens Officer
  - Work, Health & Safety Advisor
- The key liaison roles for the Friends of Lismore Rainforest Botanic Gardens are:
  - President
  - Treasurer
  - Botanic Gardens Curator
  - Botanic Gardens Work Coordinator
- Either party may invite other stakeholders / guests to the Liaison Meetings as relevant and with at least one (1) week notice prior to the meeting to accommodate on the agenda.



## DISPUTE RESOLUTION

### Notice of Dispute

If a party believes that there is a dispute in connection with this MOU, then:

- That party must give notice in writing to the other party stating that there is a dispute and must outline:
  - What the party believes the dispute to be
  - What the party wants to be achieved
  - What the party believes will settle the dispute

### Settlement of Dispute

If the dispute cannot be resolved by the parties within fourteen (14) days) of the notice in writing, the dispute shall be referred to the Head of Water and Waste for resolution.

If the disputed matter cannot be resolved by the Head of Water and Waste, it shall be referred to the Chief Operating Officer (COO) and COO Executive team and their determination in writing shall apply and will be final.

Signed for and on behalf of the Friends of Lismore Rainforest Botanic Gardens:

.....  
Name of President

Hazel Bridge H

Signature

Hazel Bridge H

.....  
Name of Witness

Victoria Currie

Signature

Victoria Currie

Signed by General Manager, Jon Gibbons, on Wednesday 11<sup>th</sup> December 2024.

Jon Gibbons  
.....  
Name of General Manager

Signature

Jon Gibbons

