

Bayside Council

Serving Our Community

Community Gardens Policy

14 June 2017



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Community Gardens Policy
File: F13/160 Document: 17/34873
Class of document: Council Policy

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Τηλεφωνικές Υπηρεσίες Διερμηνέων

خدمة الترجمة الهاتفية

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Contents

1	Introduction	4
1.1	Background	4
1.2	Definitions	4
1.3	Scope of Policy	4
2	Establishment of Community Gardens	5
2.1	Where community gardens can be established	5
2.2	Park Plans of Management	5
2.3	Establishing Community Garden Groups	5
2.4	Insurance and Risk Management	6
2.5	Financial Sustainability	6
2.6	Conflict Resolution and Complaints Procedure	7
2.7	Occupation Agreement	7
2.8	Use of the Gardens as Demonstration Sites	7
3	Roles and Responsibilities	7
3.1	Council	7
3.2	The Community	8
4	Site Selection Criteria for Community Gardens	9
5	Procedure for initiating a community garden	10
	10	
6	Procedures	11
7	Document Control	11
7.1	Review	11
7.2	Version History	11

1 Introduction

1.1 Background

Community gardens provide local residents with recreational opportunities and a range of other environmental, social and educational benefits that can contribute to the health and well-being of individuals and the wider Bayside community.

The opportunities and values represented by the development of community gardens are informed by the Community Strategic Plans and Delivery Programs of both the former Rockdale City Council and former City of Botany Bay.

The Community Gardens Policy echoes the values and intent of Bayside Council's 2017/18 Operational Plan through its key theme:

- Diverse, active, healthy and inclusive communities

and particularly its sub-theme of:

- Developing strong, healthy and supportive communities.

1.2 Definitions

For the purposes of this policy a community garden is defined as a not-for-profit, community based enterprise producing food primarily for the consumption of the gardeners. Community gardens are also places for learning and sharing about sustainable living practices and for actively building communities through shared activities.

There are several models of community gardens in existence throughout Australia, Bayside Council will support the establishment of the following models:

- Gardens that include a shared area plus allotments for each member;
- Gardens where the entire area is managed collectively; and
- Verge gardens when they are managed collectively by a group of local residents and decisions are made jointly.
- Policy statement

This Policy aims to provide a clear roadmap for the community and Council to develop and manage community gardens in the Bayside local government area (LGA). This policy outlines the types of gardens that may be supported by Council, where they can be located and the ongoing roles of Council and the public in managing and nurturing community gardens.

1.3 Scope of Policy

This policy covers activities related to 'gardening' by community members on council or council managed land and does not include the activities of council or contracted land management activities.

2 Establishment of Community Gardens

Establishing a community garden can be a complex process. Therefore, a clear process for development and management of a garden and clear roles and responsibilities are needed. All community gardening activities covered by this Policy must satisfy the following requirements to allow establishment and ongoing use.

Council encourages resident groups to contact Council early in the process and to review the many excellent resources available regarding community gardening including '10 Steps to Starting a Community Garden' on the Australian City Farms and Community Gardens Network web site and the City of Sydney's 'Guide to Getting Started in Community Gardening' available on the City of Sydney's website.

Application forms and a checklist for starting a community garden are included as appendices to this policy.

2.1 Where community gardens can be established

For the purposes of the policy, community gardens supported by Council can only be located on Council owned or managed land and be managed only by an authorised group of local residents. All community gardens established on Council land require an approval from Council.

Not all Council land or open space is suitable for community gardening and the following areas are excluded from community garden applications:

- 1 Cook Park
- 2 Areas mapped as endangered ecological communities
- 3 Some areas mapped as contaminated land following assessment by Council
- 4 State Roads and reserves adjacent to State Roads
- 5 Median strips and roundabouts

2.2 Park Plans of Management

Council has Plans of Management (POM) for many parks and open space areas. Community gardening activities that occur in an area with an existing POM must be consistent with this Plan. Where relevant, Council will incorporate community gardens into plans of management as 'community land'.

2.3 Establishing Community Garden Groups

Community gardens come in many shapes and sizes and the groups that manage them are just as varied, encompassing a range of ages, skills and experience. To ensure community gardens are managed effectively groups will need to develop and adhere to a set of rules agreed to by both Council and the garden group. For larger groups this will mean the development of a plan of management, for smaller groups it may be a simple license agreement.

Larger community garden groups must become incorporated through the NSW Office of Fair Trading. Incorporation allows garden committees to open a bank account, obtain public liability insurance and apply for government grants. To

become incorporated garden groups must first establish a management committee with annually elected office bearers and commit to regular meetings. A management structure such as this ensures; good management of the garden where issues are addressed in a timely and transparent manner, tasks are shared thereby avoiding excessive responsibility being placed on a few people or the garden becoming dominated by one person or faction.

2.4 Insurance and Risk Management

It is essential that garden groups be aware of the risks associated with undertaking publicly accessible community garden projects and that garden groups have a duty of care to community members who visit gardens. As such all community garden management plans will be required to include a risk assessment.

To ensure risks are financially covered each garden and its members must be covered by public liability insurance. Smaller garden groups may be covered under Council's public liability insurance but larger incorporated groups will be required to take out their own policy of at least \$10,000,000. Council recognises that there is a cost associated with obtaining public liability insurance and provides the following options for obtaining insurance cover:

- Council community grant or other grant.
- Fundraising.
- Garden membership fees.
- A partnering organisation or agency that can extend their policy to cover the garden.
- A group of community gardens with similar objectives might obtain insurance together.

2.5 Financial Sustainability

Long term financial viability is critical for the success of any community garden project. While Council has a community grants program that can be applied to for the purposes of community gardens, gardens should be planned so that they are not wholly dependent on grants or sponsorship. Financial sustainability must be demonstrated in the garden's management plan and may require, as is the case for several community gardens around Sydney, an annual membership fee.

During the formation of a community garden, Council may, at its discretion and subject to budgetary constraints, fund the following materials and activities;

- Raised garden beds
- Recycling, worm farming and composting facilities and associated infrastructure
- Fencing
- A limited supply of soil, compost, mulch and tools
- Public signage and educational materials
- Soil contamination testing

2.6 Conflict Resolution and Complaints Procedure

Community Gardens should aim to be tolerant and caring environments. However, it is inevitable that conflicts will arise, either within the garden group or with external stakeholders such as local residents or Council. Council therefore recommends that all community garden management plans include a gardener's agreement and a conflict resolution process that provides expectations of behaviour that all members must sign and agree to follow. Garden groups of less than 12 twelve members that do not have a garden management plan, will be required to sign individual gardener's agreements with Council.

2.7 Occupation Agreement

New community gardens that have been approved by Council will be granted an initial permit for a trial period of 12 months, which will accrue no occupation fee for the trial period. If the garden group or individuals fulfil their responsibilities with regard to the management of the garden within the first year, another permit may be negotiated. All permits issued after the 12 month trial period will incur an annual fee, the amount of which will be in accordance with the fee listed in Council's 'fees and charges'. The permit or any other occupation agreement granted between a community garden group or individual entities and Council may be revoked or not renewed if:

- The community garden group disbands or ceases to function;
- Individuals or community garden group fail to fulfil their agreed responsibilities as outlined in this policy and/or the permit issued;
- The garden is not maintained or becomes unsafe for public access;
- Appropriate insurance cover is not maintained;
- If any relevant Act, Regulation or environmental code is breached.

2.8 Use of the Gardens as Demonstration Sites

Council's vision of community gardens includes promotion of the gardens as demonstration sites for sustainable living. As such Council, while ensuring that garden activities are not disrupted, retains the right to use community gardens for community education events such as tours and workshops. Council would, therefore, encourage community garden groups to include sustainable practices such as recycling, organic/permaculture gardening principles as well as outdoor learning, performance, meeting spaces and interpretative signage in their plans of management.

3 Roles and Responsibilities

3.1 Council

Council will provide the following support to community garden groups:

- A staff member who will act as a point of contact for all members of community gardens
- Assess garden proposals and management plans
- Provide initial advice on design and maintenance of gardens
- Assist with establishing worm farms and composting facilities.

- Connect local gardens and gardeners to each other to help build relationships and encourage the sharing of information and experiences.
- Promote community gardening through Council's website, publications and events.
- Determine if breaches of permits have occurred and revoke individual or group agreements if breaches have occurred.

Council is not in a position to provide the following services or resources;

- Ongoing administrative support (e.g. photocopying, promotion)
- Care of garden group finances
- The provision of large infrastructure (e.g. sheds, rainwater tanks, sun shelters)
- The ongoing provision of plants, seeds, soil or mulch, tools or other equipment
- The repair or replacement of damaged, lost or stolen infrastructure and equipment
- The development or hosting of any internet based platforms for group communications and promotion, e.g. websites, blogs, wikis
- Ongoing financial support

3.2 The Community

Community gardens should be initiated and managed by community members for the long term, taking into account the needs of all stakeholders and the surrounding community. Specifically gardeners are responsible for ensuring that:

- They maintain effective relationships with the surrounding neighbourhood, partnering organisations and gardener members;
- Garden members and visitors to the garden are not to be discriminated against due to differences in race, gender, culture or sexuality;
- Decision making by the garden committee is democratic, transparent and inclusive;
- The garden is managed in such a way that water contaminated by sediment, fertilisers etc. is contained on site;
- Garden activities that may incur noise, dust etc. do not disturb neighbours;
- Compost, worm farms and garden materials are maintained so as not to attract vermin or produce unpleasant odours;
- Rainwater harvesting systems are maintained to ensure water is of a high quality;
- Lawn areas are regularly mowed and garden beds kept tidy and
- Visitors are welcomed during daylight hours.

Community gardeners have the right to:

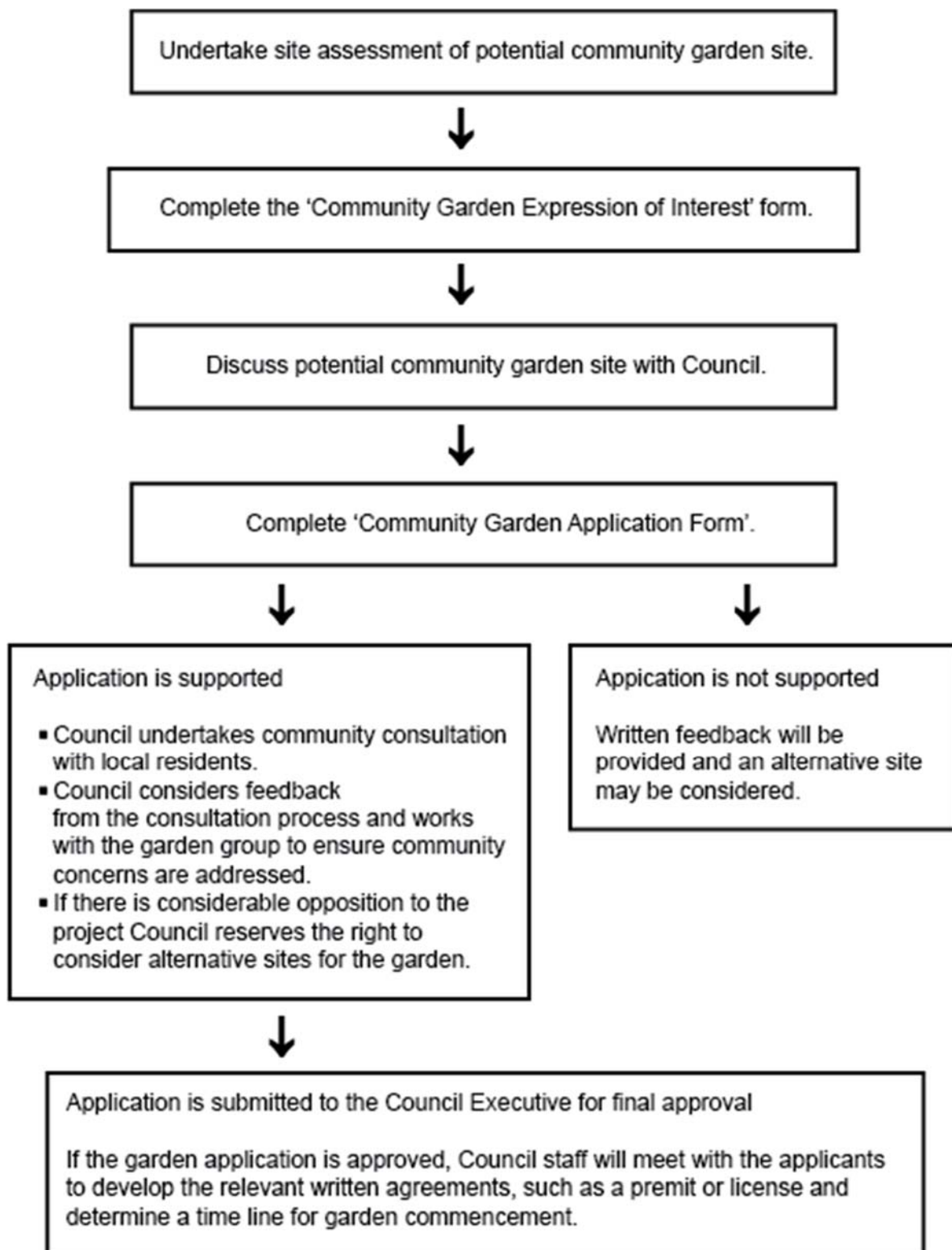
- Develop their own internal policies, organisational procedures and plan of management providing they liaise with and get support from Council;
- Be consulted with regard to any decision that may affect the garden and to be advised by the Council in a timely manner of any policy changes that impact them;
- Be treated with respect by other gardeners, local residents and partnering organisations; and,
- Negotiate a secure and reasonable agreement with Council.

4 Site Selection Criteria for Community Gardens

In order for Council to consider supporting the development of new community gardens on Council owned or controlled land, applicants will need to address the site selection criteria outlined below and follow the procedure for starting a new community garden. The first steps in this procedure are to establish a community garden group, conduct a site assessment of potential sites and then discuss their proposal with the Council to identify possible issues. Once a preferred site has been established, applicants will need to submit a completed application form to Council. If the application is supported, Council will then organise community consultation with local residents and work with the community garden group to address any concerns.

- 1 Location: Sites classified as Community Land under the Local Government Act such as parks, open space and community centres that have outside areas may be appropriate for community gardens. Priority will be given to sites located in high density areas and/or near community centres or community organisations that might be able to support or partner the project.
- 2 Safety: Sites should have no major safety or health concerns; and have good passive surveillance (for example, can be easily seen from nearby houses or shopping areas).
- 3 Accessibility: Sites should be accessible for a range of user groups, located close to public transport and allow disabled and vehicular access e.g. for delivery of mulch and soil.
- 4 Solar access: To be suitable for growing fruits and vegetables potential garden sites need to receive full sunlight for at least 5 - 6 hours per day.
- 5 Size: The selected site will need to accommodate the all of members in the community garden group. Large garden groups will therefore need to locate a site that can accommodate the appropriate number of garden beds with room for storage and composting systems. Space for rainwater tanks, seating areas, shelter for gardeners and for community workshops and demonstrations may also need to be considered. Smaller garden groups may be able to utilise verges or pocket parks that can support few garden beds with storage and composting off site.
- 6 Water: Sites need to have access to reticulated water or access to buildings where water can be harvested.
- 7 Soil Contamination: Contaminated land is an issue across the entire Bayside Council area. As such garden beds within the community garden that are to be used for growing edible plants must be raised and self-contained (ie with enclosed bases so there can be no movement of moisture from the potentially contaminated ground surface into the garden bed). The garden beds must be filled with clean soil (ie soil bought from a landscaping supplier and not sourced from the garden site).
- 8 Multiple Use: Priority will be given to sites where a community garden can be integrated without conflicting adversely with other land uses and where the community garden can still be used by non-gardeners for passive recreation and educational workshops.

5 Procedure for initiating a community garden



6 Procedures

The General Manager may approve procedures, including forms, from time to time to support this policy.

7 Document Control

7.1 Review

This policy is to be reviewed at least every four years.

7.2 Version History

Version	Release Date	Author	Reason for Change
1.0	14/06/2017	Madeline Hourihan	New document