



**DATE ADOPTED: 25 NOVEMBER 2014**

**VERSION: 1**

## **POLICY OBJECTIVES**

The objective of this policy is to provide a consistent, equitable and transparent approach to the processing of community enquiries relating to publicly accessible community gardens on council owned or managed land.

## **POLICY SCOPE**

This policy applies to staff involved in the decision making process for granting Council owned land or Crown land under Council management for the use of community gardens. It also serves as a guide to community groups wishing to submit an application to develop a community garden.

## **POLICY STATEMENT**

### **1. WHAT IS A COMMUNITY GARDEN**

For the purpose of this policy a community garden will be defined as 'a not-for-profit community based enterprise which produces food primarily for the consumption of the gardeners.'

Community gardens are unique forms of public open space which are managed by the community primarily for the production of food and to contribute to the development of a sustainable urban environment. They are places for learning and sharing about sustainable living practices, and for community building through shared activities.

Community gardening is seen as a valuable recreational activity that contributes to the health and wellbeing of the wider community, and provides a wide range of environmental, social and educational benefits.

### **2. CONSTRAINTS ON ACTIVITIES ON COUNCIL LAND USED FOR COMMUNITY GARDENS**

- 2.1 Community gardens which are developed on Council land shall not be used for commercial activities. Any proceeds made from produce sales are to be returned to the community garden fund.
- 2.2 Pesticides and chemicals are not to be used on community gardens built on Council land.
- 2.3 The keeping of animals is not permitted on Council land used for community gardens (Section 124 of the Local Government Act, 1993 and the Local Government (General) Regulation, 1993).
- 2.4 Community Gardens must have the support of the local community evidenced through a community consultation process.



### 3. WHAT IS A COMMUNITY GARDEN

The following table provides criteria to be used when considering potential sites for the establishment of a community garden on council owned or managed land.

<b>Community Garden Site Selection Criteria Considerations</b>	
Location	Land under public ownership and designated for use by the community for social and cultural activities, sport, informal recreation and leisure use, and for conservation purposes. Community land is the preferred land type for this activity; however a similar process may be used to consider applications on a case-by-case basis for the use of other land types (i.e. Crown land, where council is the trust manager, or council-owned operational land). This policy does not commit council to providing any direct support or resources to such community groups.
Safety	Sites should have no major safety or health concerns and should incorporate Crime Prevention Through Environmental Design (CPTED) principles into them
Accessibility	Sites should be accessible for a range of user groups. Sites should be located close to public transport and toilets, and allow disabled access, appropriate car parking, and accommodate groups wanting to visit the garden. Should also have street frontage wide enough to allow maintenance vehicles and deliveries (e.g. topsoil, mulch etc.).
Sunshine	Sites need to be suitable for growing vegetables and receive full sunlight - ideally for at least 5 -6 hours per day.
Size	There are no minimum site size stipulations for community gardens. Size limits may need to apply, however this can only be determined on a site specific basis. Community Garden sites will need to ensure they do not compromise public space accessibility and any of the current or planned functional requirements of public land or have a significant detrimental impact on neighbouring land uses. Sites with the ability to accommodate garden beds, composting systems, rainwater tanks, seating areas, shelter for gardeners and for community workshops and demonstrations without compromising other functions of the public space are preferred.
Water	Sites with easy access to water or buildings nearby from which rainwater can be collected are preferred.
Soil Contamination	Sites may need to be checked to ensure there is no soil contamination.
Strengthening community gardens	Joining an established community garden could be a better way to achieve the aims of the applicants whilst also strengthening and enhancing that garden.

### 4. ASSESSMENT OF COMMUNITY GARDEN DEVELOPMENT APPLICATIONS

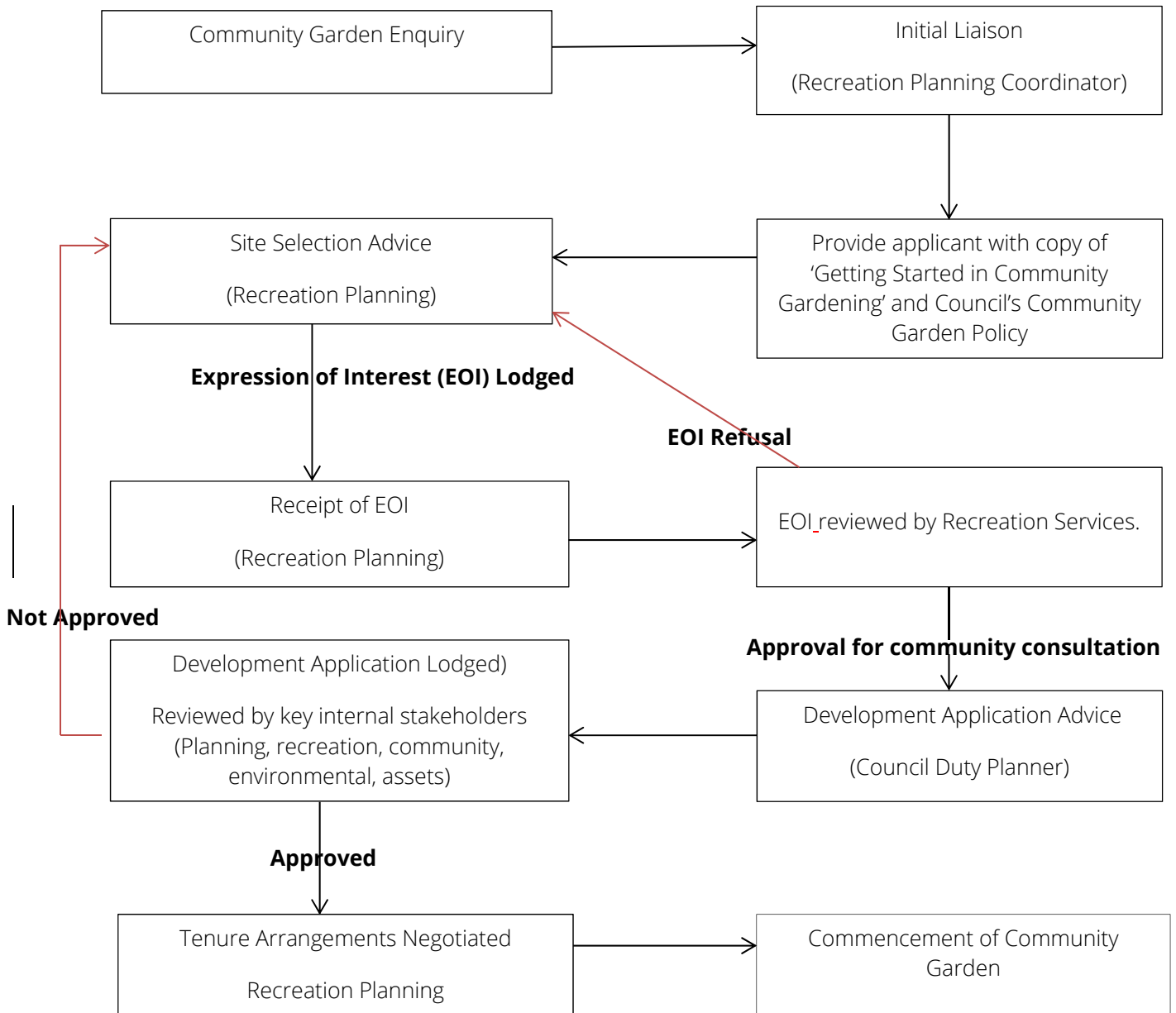
- 4.1 An initial Expression of Interest shall be evaluated by Recreation Planning to ensure the applicant meets the initial criteria before being invited to complete a Development Application (DA).
- 4.2 Information to assist with completing and submitting the DA shall be provided by Council's Duty Planners



4.3 Key internal stakeholders from Community and Recreational Services, Environmental Services, Assets and Planners within the Planning, Environment and Lifestyle Group shall give advice on the appropriateness of DA's to establish Community Gardens on Council land.

### 4.3 COMMUNITY GARDENS ENQUIRY MANAGEMENT FRAMEWORK

The following diagram outlines the process to be followed once a Community Garden enquiry has been received by Council.



## 5. LAND USE AGREEMENT

Once the DA and Plan of Management have been approved, Council and the applicant will enter into a licence agreement.

Areas to be negotiated will include but not be limited to:

- Any licence fees for the use of the land
- Payment of water and power bills
- Maintenance of the land
- Permissible infrastructure and activities
- Return of land to its original condition if the community garden group disbands.

## POLICY DEFINITIONS

**Community Garden:** A not-for-profit community based enterprise which produces food primarily for the consumption of the gardeners.'

**Pesticide:** All substances or mixtures used for destroying or preventing infestations of plants, destroying or preventing pests associated with plants, destroying any other insect or animal pests.



## POLICY ADMINISTRATION

BUSINESS GROUP:	Planning, Environment and Lifestyle
RESPONSIBLE OFFICER:	Community Planning Coordinator
COUNCIL REFERENCE:	Ordinary Council Meeting 25 November 2014 – Item 10.3
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	35/11
RELEVANT LEGISLATION	<ul style="list-style-type: none"><li>Local Government Act 1993 (NSW)</li><li>Local Government (General) Regulation 2005 (NSW)</li></ul>
RELATED POLICIES / PROCEDURES / PROTOCOLS	<ul style="list-style-type: none"><li>Establishment of a Community Garden Application Form E.g., Code of Conduct</li></ul>

## POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1	25/11/14	New policy adopted

