

Community Gardens Policy

Date Adopted: 26 November 2024

Version: 3.0

Policy Objectives

The objectives of this policy are:

- To provide transparency regarding the processing of community garden enquiries.
- To promote the establishment and maintenance of community gardens in the Maitland Local Government Area (LGA).
- To provide expectations and requirements for all stakeholders involved in the establishment of community gardens including site selection, public liability, approval process, tenure agreements and ongoing maintenance of sites.
- To support community members with the process of establishing community gardens.
- To increase the number of community gardens across the Maitland region.

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 apply to develop a community garden.

Policy Statement

1. Background

Community gardens are unique forms of public open space, managed by the community for the production of food and/or ornamental and artistic planting. Community gardens provide opportunity for community cohesion, sustainable living and growth, and promote the positive use of recreational spaces. These gardens also provide a secondary food network that works to complement traditional food networks.

2. What are the benefits of a community garden?

Community gardens are beneficial to Council, the environment, and the local community. Community gardens:

- Build stronger communities through promoting community connection and cohesion
- Increase access to fresh food for local residents
- Increase neighbourhood pride and sense of ownership over open spaces

- Build the community’s connection with nature
- Benefit the mental and physical health of individuals
- Activate open spaces that are under-utilised
- Promote sustainable living
- Provide a space for learning new skills

3. What is Council’s role?

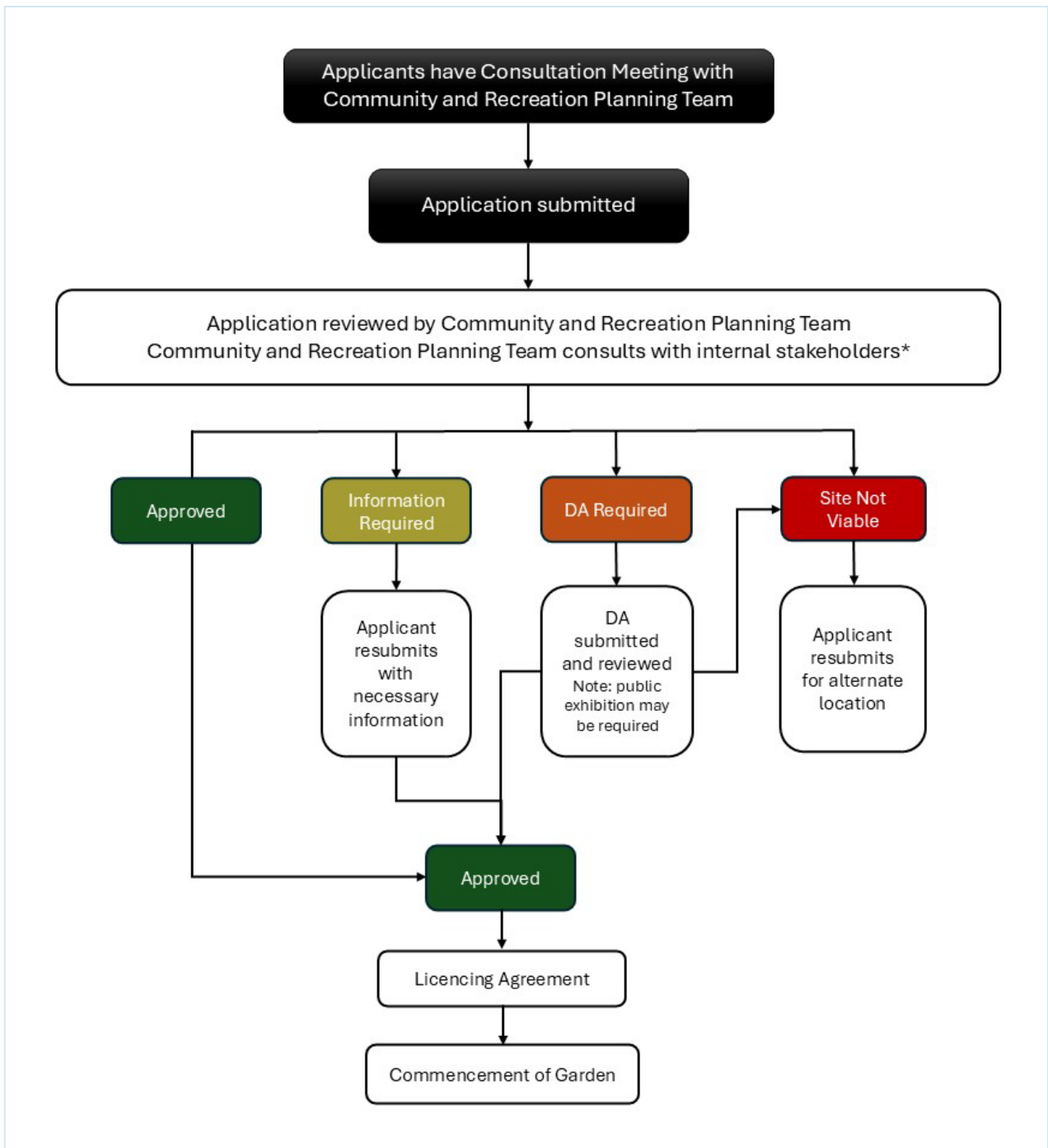
Council is responsible for approving the development of community gardens on Council owned land or Crown land under Council management. Additionally, Council aims to support community members establishing community gardens, through:

- Providing clear expectations and requirements surrounding the establishment and ongoing maintenance of community gardens by community groups
- Pre-identifying potential sites for community gardens
- Providing support to community members working through the community garden application process including the Development Application (DA) process (where a DA is required)
- Providing advice on garden Management Plans and Risk Assessments
- Assessing applications
- Executing licence agreement
- Providing access to resources and educational workshops or demonstrations related to community garden activities such as planting, composting and other environmental topics
- Promoting community gardens on our website and media
- Encouraging community garden groups to apply for grants
- Reviewing established community gardens in accordance with this policy and liaising with groups to ensure continued compliance
- Reviewing and recommending updates to this policy as and when needed

4. Community Garden Framework

Maitland City Council will pre-identify a number of locations for Community Gardens across the Maitland region. The pre-identified sites will be assessed against the “site considerations” (Section 5 below). There is opportunity for the community to express interest in other sites to be considered as community garden locations, however the applicant will need to provide evidence as to why the site is suitable (including an assessment of the site in line with the “site considerations” below).

The diagram below outlines the process for establishing a community garden, for both pre-identified and community identified sites.



*Key internal stakeholders comprised of: Community and Recreation, Recreation Works, Environment, Planning, and/or any other relevant internal groups dependent on the specific site

5. Community Garden Site Selection Criteria Considerations

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.

COMMUNITY GARDEN SITE SELECTION CRITERIA CONSIDERATIONS	
Location	The site of the proposed community garden should be reasonably flat, and applicants must have landowners' consent before developing a community garden. Community land is the preferred option for community gardens.
Safety	Sites should have no major safety or health concerns
Accessibility	Sites should be accessible for a range of user groups including for people with a disability. Sites should also be easily accessible for maintenance and delivery of materials. Where a DA is required, specific accessibility considerations will need to be addressed as identified in the DA documentation.
Sunshine	Sites need to be suitable for growing vegetables and receive full or partial sunlight.
Size	There are no set size stipulations for community gardens however sites will need to accommodate for basic garden facilities. Sites will be assessed on a site-by-site basis and size limits may be required depending on the location.
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.
Other Considerations	Community Garden sites will need to ensure they do not compromise public space accessibility and any of the current or planned functional requirements/uses of public land or have a significant detrimental impact on neighbouring land uses.

6. Assessment of Community Gardens Development Applications

- 6.1 An initial Application shall be evaluated by Council officers to ensure the applicant meets the initial criteria before being invited to complete a Development Application (if/where required).
- 6.2 Information to assist with completing and submitting the DA shall be provided by Council officers.
- 6.3 Key internal stakeholders from Community and Recreation, Recreation Works, Environment, Planning, and/or any other relevant internal groups shall give advice on the appropriateness of DAs to establish Community Gardens on Council land.

7. Restricted Activities and Considerations for Community Gardens on Council Land

- 7.1 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.
- 7.2 Pesticides and chemicals are not to be used on community gardens built on Council land unless written Council approval for the use of organic pesticides, herbicides or fungicides has been sought.
- 7.3 To protect our natural environments and uphold our commitments to biodiversity and sustainability, planting weeds or other inappropriate plants is not permitted on Council land. Please see the Community Gardens guidelines for information about banned plants.
- 7.4 The keeping of animals in community gardens, including chickens, ducks or bees, is not permitted.
- 7.5 Community Gardens must have the support of the local community evidenced through a community consultation process, consisting of the support of at least 5 residents committed to supporting the garden.
- 7.6 Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies. Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

8. Community Garden Agreement

Once the application, including Management Plan, Risk Assessment and DA (if/where required) have been approved, Council and the applicant will enter into a licence agreement

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

- Payment of water and power bills
- Ongoing maintenance of the land
- Permissible infrastructure and activities
- Return of land to its original condition if the community garden group disbands.

Community garden groups that have a licence with Council are responsible for:

- Developing and maintaining community gardens in accordance with their licence or deed, this policy, and the Community Gardens Guidelines

Policy Definitions

Community Garden: a not-for-profit community-based enterprise which manages an identified garden space for the production of food for the consumption of the gardeners and/or ornamental or artistic planting.

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.

Development Application (DA): A formal application to Council for development that requires consent under the NSW Environmental Planning and Assessment Act 1979. The application requires owners consent, a site plan, a Statement of Environmental Effects and depending on the scope of works supporting technical reports.

Management Plan: a planning tool which outlines the practical procedures by which the garden will be developed and organised.

Pre-Identified Site: A location within Maitland’s Local Government Area that has been assessed by the Community and Recreation Team alongside internal stakeholders and determined to be a potentially suitable site for a community garden.

Licence Agreement: a formal agreement between the community garden working group and Maitland City Council which outlines agreed conditions for the use of Council land, including payment of bills, maintenance of land and boundaries, permissible infrastructure and any other negotiated conditions.

Policy Administration

Business Group:	Community and Recreation
Responsible Officer:	Coordinator Community and Recreation Planning
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	Local Government Act 1993 (NSW) Local Government (General) regulation 2005 (NSW) Privacy Act 1988 Environmental Planning and Assessment Act 1979 (NSW)
Related Documents	Code of Conduct Community Gardens Guidelines Community Gardens Risk Assessment Template Community Gardens Application Form (online)

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	25/11/2014	New policy adopted

2.0	2022	Policy reviewed and changes adopted
3.0	2024	Policy reviewed and changes adopted

Appendix A: List of Proposed Pre-identified Community Gardens Sites

List of Proposed Pre-identified Community Gardens Sites

The following sites have been pre-identified by Council as appropriate locations for Community Gardens. This is a preliminary list and other sites will be added if and when they are deemed suitable.

Note: individual plot boundaries within these sites will need to be negotiated in consultation with internal stakeholders.

	SUBURB	ADDRESS/LOT NUMBER
1	Bolwarra Heights	Alyce Close (Lot no 25 DP853643)
2	East Maitland	3 Fern Place (Lot no 77 DP247251)
3	East Maitland	Centennial Park, Hinder Street (Lot no 92 DP826116)
4	East Maitland	Garnett Road, front of East Maitland Library (Lot no 10 DP1083841)
5	East Maitland	Eckford Reserve, Mawson Avenue (Lot no 25 DP30613)
6	Gillieston Heights	Joseph Maxwell VC Park , Scenic Drive (Lot no 522 DP1162824)
7	Gillieston Heights	Gillieston Heights Playground, Redwood Drive (Lot no 2 DP1220061)
8	Largs	Corner Church St and Dunmore Road (Lot no 2 DP1125696)
9	Woodberry	Bristol Street Park, Bristol Street (Lot no 139 DP240061)