City of Canada Bay

COMMUNITY GARDENS POLICY

For Exhibition

DRAFT

Date of Adoption:

Effective Date:



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1. Background

Community gardens are unique open spaces that are accessible to everyone, and places where everyone can participate. They are self-managed by the community primarily for the production of food and to contribute to the development of sustainable urban environment. They contribute to the health and wellbeing of residents by people connecting people and encouraging inclusion in the local community
Canada Bay Council recognises community gardening as a valuable recreational activity that contributes to the health and wellbeing of the wider community, and provides a range of environmental, social and educational benefits.
The Community Gardens Policy:

- Provides clear direction for the establishment of new gardens
- Outlines the required communication between Council, gardeners and stakeholders
- Provides framework for gardening groups to develop management plans, complete reporting requirements, and to ensure gardens are integrated within landscape
- Promotes adherence to sustainable, healthy and safe gardening practices
- Encourages gardens that are open and welcoming spaces for community participation in gardening
- Encourages gardens that are self-managed.

2. Objectives

This policy and supplementary documents provide the requirements for establishing a community garden and undertaking community gardening activities by residents in the City of Canada Bay (Council) Local Government Area.

The objectives include:

- To support and encourage the establishment of self-managed community gardens throughout the City of Canada Bay, on public open space, where feasible and appropriate
- To ensure community gardens on Council land are appropriately governed, designed, maintained and managed
- To enable community groups to successfully establish and run community gardens
- To establish a clear and transparent approvals framework for community garden groups on Council land
- To develop a local network of community gardens that is accessible, open and inclusive
- To provide a framework for engaging with Council
- To outline the available support through Council
- To ensure all community gardens are chemical-free, water efficient and sustainable
- To create a more vibrant and connected local community through developing a space where people can share, learn new skills, interact with each other, and harvest in a harmonious way.

3. Definitions

Community Garden: A parcel of land administered by Council, which is utilised by the community (with Council oversight), and where the site is used for production of produce for personal use of the community garden members or demonstration gardening. Community gardens are non-for-profit groups accessible to any interested community members, who manage the gardens together.

Community Land: Land that is set aside for community use, such as neighbourhood parks and sportsgrounds.

Self-managed: A community garden group that can work together and encourage participation without supervision, or with limited assistance from Council.

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Permaculture: Permaculture is the conscious design and maintenance of agriculturally productive ecosystems which have the diversity, stability, and resilience of natural ecosystems. It is the harmonious integration of landscape and people, providing their food, energy, shelter, and other material and non-material needs in a sustainable way.

Landholder or Authority: Landowner or consenting authority responsible for management of the lands, e.g. Canada Bay Council (operational and community land, roads, crown reserves), government departments.

Management Plan: Document developed by the community garden group to describe their vision, the details of the garden, their objectives, the activities and responsibilities of the group.

Garden Design or Garden Layout: Landscape design plan showing details of the garden beds, pathways, composting area.

Public Liability: Community garden groups have a duty of care to the people who visit the garden areas, and public liability insurance is required.

User Agreement: Written agreement between a community garden group and Council outlining specific conditions of use for the particular community garden site by the community garden group.

4. Scope

This policy applies to all community gardens on Council land.

This policy does not apply to:

- Verge gardens and gardens in laneways and other areas of the road reserve
- Gardens on private property where community access is not allowed.

If you would like to establish a garden on private land, or to join or help establish a garden on church or school premises, contact the relevant landowner.
For gardening on public nature strips or if you are wanting to plant a garden on the Council-owned nature strip associated with your private property, see Council's *Nature Strip Policy*.
Refer to Council's *Community Gardens Guidelines* for specific criteria, information about the application process, establishment advice, and maintenance advice regarding the community gardens.

5. Policy Content

The City of Canada Bay is committed to improving the sustainability of the local government area. Recognising the benefits of residents of a highly urbanised area being able to gather and grow their own food *Community Gardens Policy* and *Guidelines* allow residents to gather in a community and manage a shared garden. The documents provide a framework for the functioning of each community garden group and their relationship with Council.

6. Policy principles

Application process for community gardens
Applications for new community gardens must address key criteria set out in the *Community Gardens Guidelines* and identify a community garden group that will manage the site. Not all Council land or open space is suitable for a community garden; recommendations for identifying a suitable site are set in the guidelines. The group must seek formal approval from Council before establishing a community garden on public land. Council will maintain a register of all Community Garden applications submitted.

Applications will be assessed on a case by case basis but must comply with the *Community Gardens Guidelines.*

Approval

Approvals will be granted in accordance with the Community Garden Policy and Community Gardens Guidelines.

New community groups must:

- Comply with the park's Plan of Management which authorises Community gardening
- Seek approval from Council in accordance with the relevant legislation requirements
- Address the site selection criteria for a suitable location
- Develop a management plan that is approved by the garden group and the City of Canada Bay Council
- Have the skills and ability to become self-managed and maintain the garden to a high standard through community participation.

Roles and responsibilities

Council will:

- Assess and determine the outcome of the Community Garden application
- If successful, provide initial advice on design and maintenance of the garden
- 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, events, and other communication media
- Provide advice, support, and assistance when establishing new or managing existing gardens
- Inspect gardens periodically to ensure maintenance in accordance with the User Agreement in place
- Maintain any Council property adjoining the garden as per usual standard
- Retain the capacity to use the garden as a demonstration site for community education activities such as tours and workshops; Council will work with the garden group to ensure that organised activities do not conflict inappropriately with other garden uses, such as regular working bees.

Community Garden Groups:

- Must allow the general community to participate
- Are responsible for the safe implementation of the agreed garden design, maintenance, and up-keep of approved community gardens for the enjoyment of the community
- Must be an incorporated association
- Must have local residents
- Must have their own Public Liability Insurance and be covered by a minimum of $20 million
- Have a duty of care to the community who access the garden areas
- Must have the skills to organise, manage and maintain a community garden or have a mentor from an existing group to assist them
- Must demonstrate the capacity to fund the garden and provide ongoing maintenance
- Must have an approved management plan and design layout
- Must allow for 'Multiple Uses' – community garden sites should not interfere with other land uses and can be utilised or retained in the garden, or integrated with the existing space
- Must consider safety – sites should be safe with good passive surveillance
- Must consider accessibility – sites should be accessible to the community, to people with disabilities, and for delivery of materials.

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Removal

In the event that a community garden ceases to operate in accordance with this policy and associated guidelines, Council reserves the right to remove the community garden and return the land to its pervious state. Council will provide written notice prior to any community garden removal on Council owned and/or controlled land. This may be the case if:

- The group disbands or ceases to function
- The garden is not maintained or becomes unsafe for public access
- Appropriate insurance cover is not maintained
- There is a change in use of land or property.

A user agreement licence may also be revoked or not renewed in these cases.

User Agreement

If the community garden group want to proceed with establishing a community garden at an approved site, a User Agreement must be signed between Council and the organisation or individual plot holders for the purpose of developing and maintaining a community garden. The User Agreement contains conditions for the use of the site and is tailored individually to each community garden, the site, and the nature of the community garden group. At the initial set up of a new garden, an agreement will be granted for 12 months with an option for a 3-year agreement after this period. All community gardens must operate on a not-for-profit basis.

Termination

The Council may terminate the approval if:

- the approval fee, or part thereof, is in arrears for more than 14 days (whether or not the Council has demanded payment)
- any other fee owed to Council is in arrears for more than 14 days, for example water usage charges
- the approval holder breaches the approval and does not remedy the breach within 14 days of receipt of written notice from the Council
- in Council's opinion, the general use of the community land in regard to the approved area substantially change
- Council's approval granted pursuant to s.46 of the Local Government Act 1993 is either revoked by Council or lapses.

The approval holder may terminate the approval by:

- providing 30 days' notice in writing.

Following a complaint or breach of an approval:

1. Council will issue a verbal warning.
2. If issue is not resolved to the satisfaction of Council, a written warning will be issued.
3. If issue is still not resolved, approval will be terminated.

Should the approval be terminated due to any of the reasons outlined, the termination will be put into effect for a period of at least 12 months. This does not apply to new applications lodged by new community group operators at the same address. In certain circumstances and where appropriate, Council may terminate the approval without notice, effective immediately.

7. Council fees and charges

Council does not charge groups to use Council land for community gardening. Council reserves the right to charge groups for the cost of utilities, such as water.

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8. Legislation and Supporting Documents

Laws and Standards

Biodiversity Conservation Act 2016
Biosecurity Act 2015
Companion Animals Act 1998
Companion Animals Regulation 1999
Environmental Planning and Assessment Act 1979
Food Act 1999
Generic Plan of Management for Community Land and Crown Land (Draft)
Local Government Act 1993
Local Government Regulations
Community Gardens Policy
Pesticide Act 1999
Privacy and Personal Information Act 1998
Protection of the Environment Operations Act 1997
Work Health and safety 2012
Roads Act 1993 – decrees Councils as the owners of all public roads in their local government area other than freeways or Crown roads
Work Health and Safety Act 2012

Policies, Procedures

Community Gardens Guidelines
Guidelines for Establishing Nature Strip Gardens

For further information about this policy, contact Council's Sustainability and Waste team and/or Community Development team on 9911 6555 or email council@canadabay.nsw.gov.au.

9. Review

This policy will be reviewed in 3 years.

10. Responsibility

The Manager Sustainability and Waste is responsible for the overall management of this Policy.

Revision History

Amended by (name and position)	Date	Change Description	Owner Approved	Version	DocsetID

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