



Hawkesbury City Council

attachment 1
to
item 199

draft community
gardens policy

date of meeting: 31 august 2010
location: council chambers
time: 6:30 p.m.

Hawkesbury City Council Community Gardens Policy.

1. Purpose.

- 1.1 To broadly define Hawkesbury City Council's approach to the establishment, support, and management of community gardens within the City of Hawkesbury.
- 1.2 To establish a framework to assist community groups to form reasonable expectations about how Council can support the community to establish and operate a community garden.
- 1.3 To provide guidelines to assist interested community groups to investigate and negotiate effective conditions and arrangements for the establishment and operation of a community garden on land owned or managed by Council.

2. Objectives.

- 2.1 The aim of this policy is to establish guidelines for establishing and operating community gardens on land which is owned or managed by Council and which is zoned as public open space. The Policy has been enacted to;
 - (a) provide an opportunity for people and community groups who may have an interest in sponsoring a community garden project, to seek Council support in establishing and operating a community garden;
 - (b) clarify the responsibilities of Council, community members and other stakeholders who may be involved in establishing a community garden project;
 - (c) support the application of 'good practice' principles as they apply to the design, location and construction of community gardens;
 - (d) ensure that community gardens are managed in an efficient manner and are maintained to an acceptable standard, and
 - (e) meet requirements for community consultation and engagement with affected residents and adjoining owners prior to any decision to proceed with a community garden project.

3. Background.

3.1 Community gardens grew out of the practice in Europe of setting aside urban allotments where people could supplement their food supply. The Great Depression and World War II brought a renewed interest in allotment gardening as means of securing a food supply. In the late 1970s interest in allotment or community gardening was rekindled as abandoned allotments in the UK were reclaimed by new gardeners

3.2 The first community garden in Australia was opened at Nunawading, Victoria in October, 1977 and is still be cultivated by local residents today. Sydney's first community garden was set up in 1986 in the grounds of Callan Park Hospital in Rozelle. Demand and interest in shared community gardens is highest in inner city areas with high population densities and/or in high density housing estates where open land is in short supply.

3.3 The primary purpose of a community garden is food production. Community gardens also facilitate community interaction and provide opportunities for constructive and healthy recreation, mentoring, and the development of skills and knowledge.

3.3 Successful community gardens are generally those which have been established by a committed group of residents and/or sponsored by a competent community organisation. Prerequisites for the successful ongoing operation of community gardens include;

3.3.1 *site considerations* such as soil quality, drainage, lot-size and sun exposure as well as proximity to high density living areas; accessibility to public transport; and availability of supporting infrastructure such as water and car-parking;

3.3.2 *community involvement and sponsorship* - the interest and commitment of a gardening group with gardening knowledge and informed and supportive neighbours;

3.3.3 *leadership and management framework* - establishing an effective community management structure to put into place user agreements covering access procedures and user fees, and which can support good communications, decision making and conflict resolution processes.

4. Definitions

4.1 community garden - a community garden is generally defined as an area of shared land managed by the community in which members of the community participate in the cultivation of food and other plants;

4.2 allotment garden – an allotment garden is generally defined as a designated portion or area of land where a person, or family, or group of people, have exclusive rights to the use of that land for growing plants for their personal use;

4.3 kitchen garden – a kitchen garden is generally located within school grounds and is used to promote learning outcomes linked with the activities and seasonal cycles involved in managing a food garden.

4.4 public open space - within this policy '*public open space*' refers to land managed or controlled by local government, is classified as 'community land' under the *Local Government Act 1993*, and which is ordinarily subject to a plan of management .

4.5 plan of management - within this policy a '*plan of management*' refers to a plan which sets out objectives for the use of an area of community land and the uses permitted on that land.

4.6 incorporated association - within this policy an 'incorporated association' refers to a legal entity registered under the *Associations Incorporation Act 2009* for the purpose of engaging in a small-scale, non-profit and non-commercial activities.

4.7 community - within this policy '*community*' is used in its broad sense to define groups of people; whether they are stakeholders, interest groups, citizen groups etc. A community may be a geographic location (community of place), a community of similar interest (community of practice), or a community of affiliation or identity (such as industry or sporting club).

5. Principles

5.1 Council recognises that community gardening is a valuable recreational activity that contributes to public health and well-being, supports community development, fosters environmental education and increases awareness of sustainability principles.

5.2 Council accepts that it has a role in providing assistance to members of the community who share an interest and commitment to establishing a community garden. Council will, subject to available resources, work with community partners to;

5.2.1 raise awareness of community gardening;

5.2.2 assist interested persons in obtaining information about the operation of community gardens;

5.2.3 identify possible locations for the development of community gardens (on public open space) where available land exists;

5.2.4 support the development, design and lay-out of approved community garden sites;

- 5.2.5 encourage interested groups to seek financial support through Council's Community Sponsorship Program and/or provide in-kind support where feasible (such as the supply of low-cost mulch when available).

5.3 Council will provide the assistance and support (as outlined in clause 5.2) to interested groups seeking to develop a community garden provided that:

- 5.3.1 the proposed site of a community garden is consistent with any applicable Plans of Managements for the site;
- 5.3.2 a careful assessment has been undertaken of the impact of a community garden on existing users of the public open space or reserve on which a community garden is proposed to be located and that the concerns of existing users can reasonably be addressed;
- 5.3.3 consultation with neighbours and adjoining owners who may be affected by the community garden has been undertaken in conformance with Council's Community Engagement Policy;
- 5.3.4 the proposed site for the community garden is accessible, has access to water and transport infrastructure, and is preferably in proximity to relatively higher density living areas;
- 5.3.5 the proposed site for the community garden has the required minimum size of 750m², and where the soil quality, drainage and sun exposure can reasonably support a viable community garden;
- 5.3.6 a group seeking to establish a community garden can demonstrate its interest and commitment to the ongoing operation of a community garden and/or has the sponsorship of a competent community organisation;

5.4 Council recognises that a community garden partnership is a two way process based on the notion of reciprocity. In providing a community group with special access to public open space for the purpose of establishing a community garden, it will be important for a community group to develop clear rules and processes governing the use of a community garden. These rules and processes should provide for accountability to members and the community, meet legal and risk management requirements associated with the operation of a community garden, and encourage users of the garden to comply with an agreed code of behaviour.

6. Application

6.1 The following operational and management framework will be applied to the establishment and operation of community gardens.

6.2 Community groups interested in exploring the feasibility of establishing a community garden on Council controlled public open space should, in the first instance, discuss their proposal with Council staff prior to any contact with adjoining owners or users of the public open space proposed for the community garden. Initial enquiries can be directed to Council's Community Programs Co-ordinator. A checklist, developed by the *Australian City Farms and Community Gardens Network* (Appendix 1) is available to assist community groups to assess their particular requirements for a community garden.

6.3 Where a community group is wishing to proceed with a request for Council to provide access to public open space for the purpose of establishing a community garden, the community group should make a formal written submission to Council. Applicants should address the submission criteria as outlined in Appendix 2. It will be the responsibility of the community group or sponsoring agency seeking to establish a community garden on public open space to outline how, or how it is proposed, that the submission criteria can be reasonably be met. Council staff will be available to provide information to assist a community group to provide responses to the criteria.

6.4 Council staff will undertake a preliminary assessment of submissions lodged by community groups against the criteria outlined in Clause 5.3 of this policy. Council will provide the opportunity for applicants to meet with Council staff on the proposed site of the community garden (where the site is known) to clarify aspects of the proposal. Where it is assessed that the proposed site complies with the criteria, the community group will then be required to submit a plan of the proposed garden design including details of any proposed ancillary structures. The community group will also be required to outline the proposed management framework governing the operation of the community garden including a copy of a draft user agreement. Council staff will be available to provide information and/or assist community groups in developing the garden design, management structure and user agreement.

6.5 A report will be prepared for Council advising of the details of the proposal to establish a community garden on public open space; and assessment of the proposal's compliance with Council's community garden criteria (as outlined in Clause 5.3); and advice as to whether a Development Application may be required to construct the proposed community garden. As provided for in Councils Code of Meeting Practice, applicants may apply to address Council in relation to the report.

6.6 Where Council has determined that a proposal should proceed, applicants will then be required to consult with existing park users and adjoining neighbours to advise them of the proposal to provide them with the opportunity to comment on the proposal. Applicants may also be required to lodge a Development Application. Council staff will be available to provide information and/or assist community groups in implementing an appropriate consultation strategy which conforms to Council's Community Engagement Policy, and assist applicants with the lodgement of a Development Application. As provided for in Clause 5.2.5 of this Policy, applicants may seek financial assistance to meet the costs associated with a Development Application (if required) through Council's Community Sponsorship Program

6.7 The outcome of consultations will be reported to Council for final determination of the proposal. Where Council approves a proposal to establish a community garden on public open space, a Deed of Agreement will be entered into with the community group. The Deed of Agreement will document the respective expectations and obligations of Council and the community group for the establishment and operation of the community garden. The Deed of Agreement will be in force for an initial period of two years, with the option for an extension for further periods where the conditions of the Deed of Agreement have been met by both parties.

6.8 Deeds of Agreement will not impose conditions which would require Council to allocate additional human or material resources to comply with these conditions. The establishment of a community garden on public open space will not entitle the operator of a community garden to require Council to manage public open space in ways that it would not otherwise have done or to require that any procedures be undertaken differently from the way Council has determined.

7. Delegations

7.1 The delegations and responsibilities of Council staff in relation to the implementation of this Policy will be as determined by the General Manager.

References and Governing Policies & Documents.

1. *Community Gardens: Policy Directions for Marrickville Council*, Russ Grayson and Marrickville Council, Marrickville Council, 2-14 Fisher Street Petersham, 2007.
2. *Community Engagement Policy*, Hawkesbury City Council, Adopted 26 June 2007.
3. *Sponsorship Policy*, Hawkesbury City Council, Adopted 13 May 2007.
4. *Community Services Policy*, Hawkesbury City Council, revised 16 May 1998

Appendix 1 - Checklist for Establishing a Community Garden.

This checklist is intended to assist community groups seeking to establish a community garden on public open space to assess issues associated with such a project prior to making a formal submission to Council.

(The checklist has been adapted from a checklist developed by Russ Grayson + Fiona Campbell for the Australian City Farms & Community Gardens Network, 2001

1. WHAT TYPE OF COMMUNITY GARDEN?

Will the community garden be:

- a shared garden where participants share the gardening and the harvest
- an allotment garden where participants garden their own plot and share the maintenance of common areas
- a garden with both allotments and shared gardening space.

Allotment gardens:

How long can allotments be held while they are not being used?

What will be the size of the allotments?

This can be influenced by the size of the area available for gardening.

2. WHAT WILL BE THE PURPOSE OF THE COMMUNITY GARDEN

Recreation / community building:

- a safe place where people can come together to grow food and get to know each other
- a place where parents can bring their children.
- Other:

Food security and nutritional health:

- . access to fresh, nutritious food
- . reducing family expenditure on food
- . supplementing the family food supply.
- Other:

Education:

Will the garden be open to use and/ or visitation by community colleges/ schools/ other educational bodies? YES NO

Will the gardeners offer workshops (e.g. compost making, gardening etc) to the public? YES NO

If not, will the gardeners make the garden available for others to provide educational services? YES NO

Other educational activities

3. GARDENING APPROACH?

Organic gardening? YES NO

Reasons?.

If it is to be an organic garden, will this be explained to new gardeners when they join the garden - either verbally or in writing? YES NO

Explained in some other way?

4. WHAT TYPES OF PLANTS WILL BE GROWN?

When considering what types of plants to grow in your community garden, remember that fruit and nut trees need plenty of space and should be spaced about 3-5 metres apart.

- vegetables
- herbs
- fruit/ nut trees
- flowers
- berry fruit shrubs
- water crops
- medicinal plants
- bush foods
- herbal tea plants
- native or indigenous plants (native plants are those originating in Australia; indigenous plants originate in the local region)

5. WHAT STRUCTURES WILL BE BUILT IN THE COMMUNITY GARDEN?

- sitting area to shelter from the sun and rain
- lockable shed for storing tools, seeds etc
- nursery for plant propagation
- play area for children
- public art
- educational signs
- rainwater tanks to collect water from the shed/shelter roof to irrigate the garden
- fireplace for making coffee and tea - barbecue for preparing food
- Other:

6. WHAT TRAINING WILL BE NEEDED?

Gardening / construction skills:

- plant propagation
- garden soil analysis
- improving garden soils
- making compost
- using mulch - irrigation
- pest management
- seed saving
- garden construction
- developing a planting calendar
- planting out and harvesting
- Other:

Design skills:

- site analysis for site design
- garden design

Other skills:

- cooking what we grow
- other

Are any of these skills available in the community gardening group? YES NO

If not where how will these skills be procured?

7. CO-ORDINATING WITH OTHER PROGRAMS.

Will the garden be a place where communities and local government can work together to demonstrate social and environmental policy compatible with the aims of community gardening, such as:

- waste reduction
- energy efficiency
- Agenda 21
- water conservation
- biodiversity
- Other :
- regreening
- nutritional health

8. SUPPORTING BIODIVERSITY.

Will non-hybrid seed of heritage or heirloom vegetables and fruits be planted so that seeds can be collected and saved for re-planting? YES NO

Will the garden join the Seed Savers Network to learn more about food plant biodiversity, to obtain non-hybrid seed from the members of the network or to become the focus of a Local Seed Network YES NO

Will seeds of endangered or rare local native (indigenous) plants be propagated and distributed? YES NO

9. EDUCATING GARDENERS AND THE PUBLIC IN WASTE REDUCTION.

Is it intended to demonstrate the reuse and recycling of waste organic matter through:

- compost
- worm farms
- mulching
- use of recycled materials
- Other:

10. CONSERVING WATER IN THE GARDEN

Will any of the following be used to conserve water?

- rainwater tanks
- mulching
- low-water-use plants
- low-water-use irrigation
- Other:

11. FUNDING THE GARDEN?

How will the establishment and operation of the garden be funded?

- apply for grants
- membership fee
- other types of self-funding

How will ongoing costs be funded?

12. DETERMINING A PREFERRED SITE FOR THE GARDEN.

What issues will be considered in selecting a garden site?

- size of area needed
- access to public transport
- access to sunlight, water and wind protection etc.
- Comments/suggestions:

13 . PROPOSED MANAGEMENT STRUCTURE FOR THE COMMUNITY GARDEN :

Will the garden organisational structure be and incorporated association? YES NO

Will the garden obtain public liability insurance? YES NO

How will decisions be made?
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.....
.....

What will be the proposed conflict resolution process?
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.....

How will new members will be recruited?
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.....

14. HOW WILL GARDENERS ENSURE THAT THERE ARE NO PROBLEMS WITH :

Odour

Vandalism:

Excessive noise:

Site aesthetics - how the site looks

Rodents:

Parking:

Non-gardener access:

Other:

APPENDIX 2. Proposal to establish a Community Garden – Submission Criteria..

Submission Criteria for lodging a proposal to Hawkesbury City Council to request access to Council open space land to establish a community garden. Please answer each question in your submission. If you are unsure of the meaning or response required for a particular question please contact the Community Programs Co-ordinator on 4560 4444.

Question		Explanatory Comments/Considerations
1.	Name of community garden association.	The name of your community group. If you are affiliated to an exiting community group please provide the name of this 'sponsoring' group.
2.	Contact details – liaison person.	Council requires your group to nominate one person to liaise with Council about this submission
3.	What is the legal status of your community garden association?	Council will require the operator of a community garden (if approved) to be a legal entity registered under the <i>Associations Incorporation Act 2009</i> (or other acceptable registration). If your association is not a 'legal entity' please indicate if it is your intention to seek registration or alternatively if the proposed garden will be an activity sponsored by an organisation with the required legal status.
4.	Does your association operate on a not-for-profit and non-commercial basis?	Council is unable to approve the proposed use of public open space for a community garden if the garden is intended to operate on a for-profit commercial basis. (Note: the growing of vegetables for consumption by community garden participants is not considered to be a commercial undertaking)
5.	Does your community garden association carry public liability insurance?	Council will require the operator of a community garden (if approved) – or your sponsoring organization - to hold public liability insurance to the value of \$20,000,000.
6.	Where is the proposed location of the community garden?	Provide clear site details (e.g. street address and name of park) of the open space land you are looking at. If the open space area is quite large provide some details of where the garden is proposed to be within this space.
7.	Have you undertaken a preliminary assessment of the proposed site to determine it's suitability for a community garden (as measured against Council's Community Garden Policy)	The proposed location of your community garden will be assessed against the criteria outlined in Clause 5.3 of Council's Community Garden Policy. Please provide details (if known) of how the proposed location addresses this criteria.
size		Dimensions and size (m ²) of the area proposed for the community garden. Experience suggests a minimum of 750m ² is required for a functional community garden. If the area you are proposing is smaller, provide details of why the smaller area may be appropriate.
soil quality		Will the soil at the site support horticulture? (have a look at the existing vegetation). Will you need to add organic material, fertilisers, and soil improvers to improve the fertility of your community garden?
drainage		Where does water run-off from the site currently go? Is there potential for a community garden to add nutrients to water run-off which could find its way into a creek or waterway? What is the topography of the site (is it flat or sloping). Does water accumulate at the site after rain?
sun exposure		Is the site overshadowed by trees or buildings for any part of the day? Will the overshadowing impact on what you can grow?
proximity to transport		Can the site be relatively easily accessed (either by foot, bicycle or public transport)? Council recognises that available public transport options may be limited - if participants are travelling to the site by private vehicle is there sufficient additional car-parking available.

		<p>access to water</p> <p>Does the proposed site have access to a reliable water supply? There may be a requirement for your group to contribute a nominal amount to meet your water usage – by using water saving techniques or by installing a water tank this cost may be minimized or avoided.</p>
		<p>existing use</p> <p>Please provide details of the any existing groups who may regularly use the proposed site for recreational or sporting purpose? In assessing your submission. Council may require you to consult with these groups about your proposal.</p>
		<p>neighbours</p> <p>How close is the nearest residence to the proposed site? Council may require you to consult with any adjoining property owners about your proposal so that any potentially adverse impacts on neighbours can be assessed and responded to.</p>
8.	Planned infrastructure	<p>Please provide a detailed and complete list of structures and facilities that you are proposing to construct at the community garden site. This could include a rainwater tank, pump, shelter structure or garden shed, shade structure, pathways (paved, mulched, gravel etc), nursery, propagation tables, poultry yard, compost system, raised garden beds etc. Depending on the kinds of structures and facilities that you are proposing there maybe a requirement for your group to lodge a Development Application.</p>
9.	Management structure	<p>As noted above, Council will require the operator of a community garden (or a sponsoring agency to be a legal entity registered under the <i>Associations Incorporation Act 2009</i> - or other acceptable registration). Generally, such associations are required to adopt a constitution which sets out how members will be appointed, how meeting will be conducted, how decisions will be made and how conflicts can be resolved.</p> <p>In addition to these legal requirements, it would be advisable for your community garden association to develop a 'user agreement' for people who will be using the garden or allocated spaces in the garden. The user agreement would set out the terms of use, hours of access, user fees, access and security procedures, code of conduct, how 'gardening' decisions will be made i.e. what to grow etc.</p> <p>If you do not have a draft user agreement in place, simply indicate that it is your intention to do so. Council staff may be able to assist in developing the agreement (based on agreements that have worked in other community gardens)</p>
10	Funding	<p>In most circumstances the ongoing operation of a community garden may rely on funding or income collected from participants. Please outline the options you are considering (or will be implementing) to fund the establishment and ongoing operation of your community garden.</p> <p>Note: Financial assistance may be provided through Council's Community Sponsorship Program.</p>
11	Impacts	<p>How will your community garden association deal with the following matters to ensure that any adverse impacts (particularly on neighbours) are minimised.</p> <ul style="list-style-type: none"> a) odour b) vandalism c) excessive noise d) site aesthetics – how the site looks e) rodents f) parking g) non-gardener public access