



COMMUNITY INITIATED USE OF COUNCIL LAND FOR COMMUNITY GARDENS

Policy 23/2024-2028

DATE

- Ordinary Meeting of Council 10 March 2020, 6 December 2022 and 11 March 2025

POLICY NO:	23/2024-2028
LEGISLATIVE REQUIREMENTS	Nil
RESPONSIBILITY:	CUSTOMER COMMUNITY SERVICES
OBJECTIVE:	This policy is designed to assist the decision-making process for granting of the use of community land, and to act as a guide to community groups wishing to submit an application to develop a community garden.
REVIEW	Within the first 12 months of each term of Council or as required.

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1. Purpose

The objective of this policy is to provide a framework for Council to consider requests from the community relating to use of publicly accessible community gardens on Council owned or managed community land.

This policy is designed to assist the decision-making process for granting the use on community land, and to act as a guide to community groups wishing to submit an application to develop a community garden.

2. What is a Community Garden?

For the purpose of this policy, a community garden is defined as:

‘open spaces, land that is generally unused passive space used by not-for-profit (NFP) community based groups to produce flowers and /or food primarily for the consumption or enjoyment of the participants, that contribute to the health and wellbeing of the wider community and provide a range social benefits’.

This policy does not commit Council to providing any direct support or establishment costs to community groups and gardens, and any approved community garden must operate at no capital or operational cost to Council.

In addition to the initial expense of building the community garden, ongoing maintenance costs and efforts must be considered in any application.

Site Selection:

Sites with the ability to accommodate garden beds, composting and waste management, and use rainwater are preferred.

Proposed location of the community garden should be assessed in context of other nearby community gardens to ensure user catchments don't overlap.

Sites should be clear of underground services.

Consideration of surrounding land uses to ensure no negative impact on adjoining residential areas as well as overshadowing caused by adjoining buildings.

Possible impacts on existing site user and loss of informal passive space. Sites will need to be consistent with Council's adopted disability inclusion action plan (DIAP) including the principle that community gardens need to be places where all people can participate in community life.

Size:

The proposed size of a community garden should be assessed on a case-by-case basis with consideration given to:

- The size of the park or open space in which the garden is proposed to be located.
- The sites existing uses and facilities and the availability of unused passive space.
- The demonstrated demand for a community garden including number of ongoing committed participants.

Design Considerations:

- Community gardens design of allotments.
- Will storage be required onsite.
- Access to water, site runoff and drainage.
- Design of bed and access paths for people with disabilities.
- Use of sustainable or recycled matter.

- Fencing to secure the site needed.
- Access is available for infrequent use by maintenance vehicles.
- Any potential contamination of the proposed area.
- Treated pine sleepers will not be permitted. A safer alternative such as Cedar Pine sleepers are recommended.
- Inclusion of a seating or gathering area.
- The uses of sustainable gardening principles are to be encouraged.

3. Activities on Council Land Used for Community Gardens

All groups seeking to establish a community garden must submit an application to enable Council to determine whether it is appropriate to approve the development on Council owned, proposed Council owned, or Council managed land. All applications must be consistent with the adopted plan of management and/or masterplan for the venue and may require a development application.

The land may not be used for commercial activities and any proceeds made from produce sales are to be returned to the community garden fund.

Sites should have no major safety or health concerns and should be accessible for a range of user groups.

Pesticides are permitted to be used on community gardens built on Council land in accordance with the manufacturer's instructions. Soil quality will need to be assessed to ensure there is no contamination and locations with easy access to water are preferred.

Sites should be located close to public transport and toilets where possible, and allow disabled access, appropriate car parking, and accommodate groups wanting to visit the garden.

Public space access must be considered and any of the current or planned uses of public land must be taken into account. Size limits may need to apply and must be determined on a site by site basis.

4. How Community Groups Can Apply

When considering opportunities for establishing a new community garden, groups must begin by contacting The Hills Shire Council Capital Works Team on 9843 0555. Following this discussion an application form will be provided.

Groups planning a garden should consider the following:

- a mix of raised garden beds and in-ground garden beds and access paths for disability accessibility.
- gardening principles, especially in relation to pest and weed control.
- that all produce grown is for the use of community members only, not for sale for profit.
- safe food and soil handling and fertiliser practices must be followed.
- species listed as a weed must not be planted.

To ensure the community garden is safe groups must consider the possible hazards and safety issues that may arise as a result of running the garden. Applications should provide information about how groups propose to manage these risks.

The Hills Shire Council Community Outcomes Team members will steer applicants through the process of establishing a community garden and applicants must provide a written proposal answering the following questions:

- What do you want to achieve by setting up a new community garden? Consider goals, objectives and challenges.

- Do you have enough people to establish a group to run the community garden? Consider potential members including those with a horticultural background, disability and seniors groups etc.
- Is there enough interest and energy to sustain the community garden in the long term? Consider if the community garden will be centrally located with plenty of parking or near public transport, convenient to public toilets, securely fenced, handy to water, electricity and equipment storage facilities, and accessible for those with limited mobility.
- Is your community group prepared to be incorporated, and if not will it be managed by an incorporated NFP association - to be successful in obtaining a Licence, the group will need this.
- Are the residents surrounding your proposed community garden, who may not be involved in your group, supportive of a new community garden being established in their area including loss of open space? Community Gardens must have the support of the local community evidenced through a consultation process.
- Sources and level of funds including membership and plot fees needed to establish and operate the garden.

5. Assessment of Community Garden Applications

The application process requires the provision of incorporation details of the organisation, which is auspicing the applicant group, in addition to how many members are involved. Applications will be viewed more favourably if the group includes at least 10 residents who are keen to actively contribute to the community garden.

Applications must include information about how the applicant plans to maintain numbers in the community group responsible for caring for the garden.

All applications will be evaluated by Council to ensure the applicant meets the adopted policy using the following criteria. Applicants will be required to meet with a Council officer for inspection(s) of the proposed site and provide:

- Evidence of community engagement and participation including members of Council's disability reference group.
- Proposed community garden operational strategy and site plan.
- Proposed term of use.
- Provision of Not-for-profit documentation.
- Evidence of the site's suitability.

Council requires community groups to have a minimum of \$20 million Public Liability Insurance to meet the duty of care to the people who access the garden. If under the auspice of an existing incorporated organisation, their insurance coverage may be extended to include the community garden.

Applicants starting as a new incorporated organisation will need to arrange public liability insurance prior to the commencement of gardening at the site. The certificate of currency for public liability insurance must be provided to Council before any activity can occur.

6. Land Use Agreement (Licence)

Community Gardens are to be managed by an incorporated body for the life of the garden's operation. If an application to establish a community garden on Council owned, proposed Council owned, or Council managed land is successful, Council's Property team will prepare a Licence.

Items in the Licence will include:

- Any applicable fees for the Licence.
- Length and terms of the Licence, with a review six months prior to the end of term.
- Option to extend if conditions of the licence are met and there is continued support for the community garden.
- Payment of water and power bills etc.
- Maintenance of the land including the use of pesticides.

- Permissible infrastructure and activities and regulatory DA requirements.
- Return of land to its original condition if the community garden group disbands.
- Terms for cancellation of the licence if the community garden is not operated in accordance with the terms and conditions of the Licence.

Applicants are responsible for maintaining a community garden and ensuring it is always safe for public access.

No work to construct or operate a Community Garden can proceed until a License has been signed by all parties.

Council cannot be held responsible for maintaining community gardens and reserves the right to terminate the Licence for the use of the land for a community garden established on Council owned, proposed Council owned, or Council managed land if the Licensee:

- fails to comply with the terms of the Licence.
- does not maintain safe public access requirements.
- is subsequently deemed required for another purpose.
- becomes unsafe or unsightly.
- maintenance standards are not being met (i.e., weed proliferation).
- ceases to be appropriately insured.
- ceases to function or is no longer auspiced by an incorporated organisation.

Subject to a minimum of 3 months written rectification notice outlining any of the issues listed above, Council reserves the right to terminate the agreed use of the land.

7. Appendices

Nil.