

Community Gardening Policy

Policy Owner: Group Manager City Planning	
Date Last Adopted: 30 May 2023	Review Date: 30 May 2026

1. Policy Statement/Objectives

The objectives of this policy and its associated documents are to promote and encourage community gardens within Shellharbour City. Council's Open Space and Recreation Needs Study and Strategy identify there is an ongoing demand for the provision of quality recreation spaces for the community, including community gardens.

The policy will standardise the process for establishing community gardens and identify roles and responsibilities for Council and community garden groups. In addition to supporting community gardening, this policy aims to ensure open spaces continue to be accessible and inclusive and are used in an equitable manner.

This policy will come into effect following adoption and will be utilised to inform licence agreements for community gardens.

2. Scope

This policy applies to lands within Shellharbour City LGA classified as Community Land (under the *Local Government Act 1993*) which have been identified as suitable for the establishment of a community garden, including established community gardens. This policy does not apply to Council owned verges, or requests to establish verge gardens.

This policy is applicable to individuals, community garden groups (Not for Profits and Incorporated Associations) and developers interested in establishing a community garden.

The policy (section 7.2) will contain the process to be used by Council officers responsible for responding to requests and assessments of community garden applications.

3. References

This policy document should be read in conjunction with:

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Local Government Act 1993*
- *Shellharbour Local Environmental Plan (2013)*
- Plan of Management for the reserve
- Shellharbour City Council Community Gardens Strategy 2022-2032
- Shellharbour City Council Property Strategy 2020 -2030

4. External/Internal Consultations

Asset Officer Open Spaces
Community Engagement Officer
Community Planning Officer
Environment Officers
Governance Officer
Graduate Strategic Planner
Parks Manager
Property Coordinator
Recreation Planner

5. Definitions

Term	Definition
Community Land	Public land under the management of Shellharbour City Council that is intended for public access and use and is classified as Community Land under the <i>Local Government Act 1993</i> .
Open Space	Land that has no buildings or other built structures, which is accessible to the public, including green space.
Licence Agreement	Grants the party a non-exclusive right to the use the subject land at defined times.
Application Form	Community Garden Application Form, available on Council's website. A community garden group is to submit this form in its entirety, in order to submit an application for use of land for community gardening.

6. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

Date Policy first adopted – version 1	
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7. Policy

7.1 Roles & Responsibilities

Council will:

1. Maintain a register of community gardens on the Council webpage
2. Be responsible for assessment of community garden applications, in accordance with the information within this Policy, the Guide and relevant legislation
3. Inform community garden groups of opportunities such as partnerships and grant funding
4. Assess the proposed location in relation to the distribution of other community gardens
5. Prepare licence agreement to occupy community land

COLLABORATION

ACCOUNTABILITY

INTEGRITY

RESPECT

SUSTAINABILITY

6. Ensure community garden groups offer public access into the garden for community (non-members), in accordance with relevant legislation
7. Maintain the right to inspect the community garden by arrangement with garden groups
8. Not be liable for damage to or loss of property
9. Not give any warranty, promise or covenant to the garden group for quiet enjoyment of the land
10. Determine appropriate fees and charges
11. Be responsible for the upkeep and maintenance of Council-owned pathways including maintenance of concrete or pavers.

The community garden group will:

1. Operate within the scope of the Community Gardens Policy and Guide
2. Utilise application form for use of land for community gardening
3. Be a registered Not for Profit or Incorporated Association
4. Maintain appropriate insurance policies
5. Develop ongoing management plan for the community garden
6. Initiate, design and construct the community garden (considering shade for activity zones)
7. Operate, maintain and manage the garden (including any compost bays) with minimal negative impact on neighbours and the general public
8. Maintain clear and safe access into the community garden including pruning vegetation from pathways and keeping access ways clear
9. Apply pesticides and erect signage as per the product label, and keep a database of all material and safety data sheets for any pesticides used
10. Provide signage in accordance with the Guide
11. Pay all outgoings, such as water use
12. Ensure any profits that are produced are re-invested into the garden group
13. Not plant unsuitable species as referred to in the Guide
14. Encourage community access to the garden in accordance with Community Gardens Strategy
15. Not keep livestock or animals on site
16. Obtain appropriate approvals for any proposed structures on the land

7.2 Site Selection

The following table outlines criteria to be considered when garden groups are preparing to establish a new community garden. Site selection outcomes will inform the application to Council and assist to determine a preferred site for the establishment of the community garden.

This checklist will be used by Council officers to assess proposed community gardens.

Site Consideration	
1	Location and site characteristics
1.1	Site is owned by Council and classified as Community Land
1.2	The site connects to the path network
1.3	The site offers accessible linkages for wheelchair and pram access
1.4	Existing uses within the wider reserve will be maintained, the garden will not negatively impact on use of the reserve/facility
1.5	A buffer zone exists between neighbours and other adjoining uses/facilities
1.6	The site is zoned RE1 Public Recreation under Shellharbour Local Environmental Plan (SLEP)
1.7	The site has not been identified as Asset Protection Zone, habitat for Endangered Ecological Communities, a road reserve, of Aboriginal or European heritage significance, flood prone or a detention basin.

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1.8	Site topography is suitable for establishing a garden – no need to remove trees, or undertake cut or fill
1.9	Site has adequate drainage features
1.10	Site receives adequate sunlight
1.11	Site is suitably sized to accommodate desired structures; not limited to garden beds, seating and rainwater tanks
1.12	The size does not compromise other reserve functions
2.	Safety
2.1	Site should offer natural (passive) surveillance from nearby or neighbouring uses/facilities such as residences, shops or pedestrians
2.2	Site is well lit or nearby to existing lighting
2.3	Sites and soils should be free of safety or hazardous concerns
3.	Accessibility
3.1	Site offers accessible linkages for wheelchair and pram access from paths or car parking areas into the garden
3.2	Site design and layout offers accessible movement within the garden for all ages and abilities (children, elderly, prams, wheelchairs)
3.3	Site design includes accessible garden beds
3.4	Site design includes community harvest bed
3.5	Site offers nearby area for car parking within an appropriate walking distance
3.6	Site is located nearby to amenities
3.7	Site is accessible via public transport routes
3.8	Maintenance vehicles or cars can access the site to deliver goods, if required
3.9	Interested community members live or work nearby, or can travel easily to the proposed site
4.	Garden Group Management
4.1	The group is an Incorporated Association
4.2	Demonstrated capacity to sustain a gardening group, garden maintenance and financial capacity

7.3 Process to establish a community garden

- Interested community members who wish to establish a new community garden should read and understand the community gardening resources on Council's website before contacting Council.
- The Community Garden Guide will provide the garden group with guidance on how to request to establish a new community garden including the application to Council, assessment of the proposal and information regarding Licence Agreements.
- Council Officers will assess in accordance with the Community Garden Guide, including site selection criteria. Officers may require additional information before determining the outcome of the assessment.
- An application supported by Council officers will require a Draft Licence Agreement to be prepared. This is required to be endorsed by the Council and placed on public exhibition for 28 days seeking feedback from community and stakeholders.
- An approved Licence enables work to begin on the garden.

7.4 Landowner Approval

Landowner's consent in the form of the Licence Agreement is required before the development of the community garden.

Community garden groups may request associated structures, these and other structures, will be assessed on a case-by-case basis and may also require additional approvals, such as a Development Application.

7.5 Removal of community garden

Council is not responsible for the maintenance or removal of community gardens that cease to operate. The licence agreement will specify the terms of garden removal and the requirements to return the site to its original state prior to the establishment of the garden.

8. Related Forms

- Shellharbour City Council Community Garden Strategy
- Shellharbour City Council Community Garden Guide
- Community Garden Application Form
- Community Garden Reporting Form

Note: Related forms can be located Online under “Forms”

9. Attachments

Policy Authorised by:

Name: Council Resolution 93

Date: 30 May 2023